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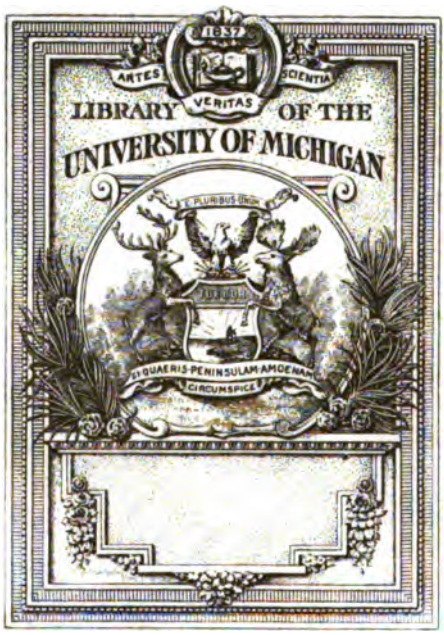
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COMPLIMENTS OF
W. S. STENGER,
SECRETARY of the COMMONWEALTH

VETOES

BY THE

GOVERNOR

OF THE

COMMONWEALTH OF PENNSYLVANIA.

OF

BILLS PASSED BY THE LEGISLATURE

AT THE

SESSION OF 1885.

HARRISBURG:
EDWIN K. MEYERS, STATE PRINTER.
1885.

CLARANCE M. BUSCH,
PENNSYLVANIA STATE BINDERY,
HARRISBURG.

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VETOES.

BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION, ENDING ON JUNE 12, A. D. 1885.

No. 1.

A SUPPLEMENT

To an act entitled "An act relative to the establishment and jurisdiction of magistrates' courts in the city of Philadelphia," approved February fifth, one thousand eight hundred and seventy-five.

WHEREAS, The Constitution of this Commonwealth requires that in Philadelphia there shall be established for each thirty thousand inhabitants one court not of record of police and civil causes with jurisdiction not exceeding one hundred dollars;

And whereas, There are eight hundred and forty-six thousand nine hundred and eighty inhabitants in the said city, as appears by the United States census of one thousand eight hundred and eighty, and there should therefore be established twenty-eight such courts therein, and there are at present established but twenty-four; Now, therefore,

SECTION 1. *Be it enacted, &c.*, That there are hereby established in Philadelphia four additional courts not of record of police and civil causes, with jurisdiction not exceeding one hundred dollars; each of such courts shall be held by one magistrate whose term of office shall be five years.

SECTION 2. The four additional magistrates to preside over the said four additional courts shall be elected at the next municipal election, on general ticket with such other magistrates as are to be then elected, and shall hold their offices for the term of five years from the first Monday of April next succeeding their election.

SECTION 3. The said four additional magistrates shall be paid by the said city for their services the same salary now paid to the other magistrates thereof and in the same way.

SECTION 4. The said four additional magistrates shall draw lots for their courts with the magistrates elected and to be elected to preside over the

twenty-four courts heretofore established, so that the magistrate securing the first choice shall select from the twenty-eight courts.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *January 30, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return without my approval House bill No. 1, entitled "A supplement to an act entitled 'An act relative to the establishment and jurisdiction of magistrates' courts in the city of Philadelphia, approved February 5, 1875.'" As far as I have been able to ascertain, the sentiment of the people of Philadelphia is opposed to the enactment of this bill. The four additional magistrates' courts created by the bill for Philadelphia are not desired by that community. The citizens almost unanimously regard them as an unnecessary and expensive burden.

The bill, therefore, should be disapproved as creating unnecessary offices, and as legislation in defiance of the sentiment of the people of the locality affected, unless there is some other unanswerable reason demanding its enactment. Such a reason is attempted to be set forth in the preamble to the bill, which alleges a constitutional command that the four additional courts created by the bill shall be established. The argument upon which the bill is based is as follows: Section twelve of article five of the Constitution provides that in Philadelphia there shall be established for each thirty thousand inhabitants one court not of record of police and civil causes. The population of Philadelphia at the time of the adoption of this provision was such as, at the rate of one court for every thirty thousand, to require the establishment of twenty-four courts. Accordingly, the act of May 5, 1875, was passed, establishing that number of courts.

It is now maintained by the friends of the bill that the population of Philadelphia is at least one hundred and twenty thousand more than it was in 1875, and that, therefore, the claim of the Constitution above referred to requires that four more courts shall be established because of the increased population. I am obliged to dissent from this interpretation of the law. Section twelve of article five is not in its language a continuing command, and, considered analogously with other parts of the Constitution, it was not intended to be. The command of this section relates only to the first establishment of magistrates' courts.

It does not require the establishing of courts from time to time at the rate of one for every thirty thousand of population, but, having abolished the office of alderman, it commands that there shall be at once established in place thereof magistrate courts to the number of one for every thirty thousand of population. This required twenty-four courts, and no more, and the Constitution might have used that number instead of the ratio of population. Had the definite number instead of the ratio been used, no one would have doubted the meaning of the section; but the ratio is only a method of ascertaining the number, and cannot of itself give a continuing effect to language that otherwise would have no such meaning. In

other parts of the Constitution, where the legislation was made to depend on the increase or decrease of population from time to time, language is used that leaves no doubt of the intention to make a continuing provision; as, for instance, the command that the State shall be apportioned into the legislative districts immediately after each decennial census, and the provision of section five of the judiciary article, that wherever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district. These clauses are both obviously clear and undoubted commands of continuing force.

Moreover, the debates in the Constitutional Convention upon the clause as to magistrate courts, though repeatedly referring to the number of courts to be first established, do not allude to any possibility of an increase in their number from time to time by virtue of any provision of the section. (See Debates of Convention, volume IV, 277, 278, 291, 292, 302.) It seems to me, therefore, that there is no reason to give to the section any other meaning than what its language plainly conveys on its face. It was a direction to establish one magistrate court for every thirty thousand of its population then and there. This the Legislature did by the act of 1875, and the force of the command ceased with the legislative obedience.

Besides, there was no need for the framers of the Constitution to do more than provide for the immediate requirements of the city of Philadelphia as to magistrate courts, the judiciary article containing elsewhere ample authority to make provision for any necessities that might arise for additional courts without inserting in the Constitution an inflexible and continuing rule requiring new courts to be constantly established with each increase of thirty thousand in population. There is, therefore, no reason either in the language of the section or in the necessities of the subject requiring a continuing effect to be given to the command to establish a given number of courts. Believing that there is no constitutional command requiring the passage of this bill, and that the offices created by it are needless and not desired by the people, I would for these reasons alone withhold my approval.

There are other reasons, however, which induce me to decline signing this bill. The Constitution, in section seven of Article III, prohibits absolutely the passage of certain kinds of special legislation. Among others, it prohibits the passing of any local or special law "regulating the affairs of counties, cities, townships, wards, boroughs, or school-districts, and creating offices or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school-districts."

The bill herewith returned is undoubtedly a local and special law, and if it is true that there is no constitutional command requiring its passage, then it is clearly prohibited by the section above quoted. It seems to me beyond dispute that, in the absence of any such peremptory command, this bill could not be lawfully passed under any circumstances. Suppose, however, that such a command exists—does that command exempt the bill from the necessity of previous publication required for all forms of special legislation by section 8 of Article III? This may well be doubted. Section 8 provides that no local or special laws shall be passed without publication. Notice of the intention to apply for the passage of this bill was not published. What immunity has it from the provisions governing all other special bills? Section 8 contains no such exemption. I confess a doubt, however, whether a clear command of the organic law for the passage of an enactment is not equivalent or superior to notice by publica-

tion—whether it is not of itself publication. Another objection suggests itself as to the manner in which this bill underwent the preliminary stages of passage.

The 2nd Section of Article III provides that no bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members. The journals of the Legislature show that when this bill was introduced in the House it was referred for consideration to the members from Philadelphia and in the Senate to the Senators from that city. This action took place before the presiding officers had announced the committees of the two Houses. Was this a compliance with the section of the Constitution last quoted? That section recognizes the committees of the two bodies as a necessary part of their organization, with specified functions. Is a reference to a delegation or a part of a delegation a reference to a committee within the meaning of the Constitution? The bill throughout its passage was subjected to phenomenal haste, and in one of the Houses, at least, not more than fifteen minutes elapsed from its reference to its first reading, and this before a complete organization was effected. As establishing a precedent for future imitation this unwonted speed should be subjected to careful scrutiny.

Moreover, suppose all the objections suggested should be determined in favor of the bill, what evidence is there that the present population of Philadelphia entitles it to the four additional courts created? The preamble to the bill bases the right to these courts upon the census of 1880. Since then over four years have elapsed, and a decrease of but six thousand nine hundred and eighty-one inhabitants would make this bill unlawful upon the theory on which it is founded. Two Legislatures have been in session since the census of 1880, and neither of them seem to have regarded the population of the city as sufficient to call for an increase of courts. Are these two Legislatures to be charged with a failure to perform their bounden duty in this respect, or is their inaction to be taken as a legislative declaration that the population of the city was insufficient to justify an addition to the number of magistrates? Is not the Executive bound, when so tardy an assertion of right is made, to inquire carefully upon what it is now based? As a matter of fact, I question whether the population of 1880 is now maintained, and the preamble to the bill studiously abstains from declaring that the population is now what it was in 1880.

In this respect the preamble lacks completeness, and I feel obliged to regard the failure to assert a necessary fact as evidence that such fact could not be truthfully asserted. For the four reasons above set forth I withhold my approval. If I have been solicitous to discover objections to this legislation, it is because of my unhesitating belief that the measure is opposed by an overwhelming majority of the people of Philadelphia, and because it imposes on that community a needless and expensive burden. I would be gratified to coöperate with the Legislature in the prompt passage of all the legislation commanded by the Constitution, of which there is much of the most important nature that has for a decade remained unenacted. The bill now returned, however, I do not believe to come within that description.

ROBT. E. PATTISON.

No. 2.

AN ACT

To provide for an additional law judge in the Fifteenth judicial district.

SECTION 1. *Be it enacted, &c.*, That in the Fifteenth judicial district, comprising the county of Chester, there shall be an additional law judge, who shall possess the same qualifications which are required by the Constitution and laws for the president judge of said district, and who shall hold his office for a like term and by the same tenure and shall have the same powers, authority and jurisdiction, and shall be subject to the same duties, restrictions, and penalties, and shall receive the same compensation as the president judge of said district.

SECTION 2. Either of the judges of the Fifteenth judicial district shall have authority to execute all the powers and perform all the duties now conferred by the Constitution and laws upon the president judge of said district and shall have equal jurisdiction.

SECTION. 3. It shall be lawful for any one of the said judges to reserve questions of law which may arise on the trial of a cause for the consideration of both of said judges sitting together, and if the said judges shall disagree on any question reserved as aforesaid, the opinion of the judge before whom the cause was tried shall stand as the judgment of the court, and either party shall have a right to a bill of exceptions to the opinion of the court as if the point had been ruled and decided on the trial of the cause, and, in all other matters that shall be heard before both of said judges, in case of their disagreement, the decision of the president judge shall stand as the judgment of the court.

SECTION 4. At the next general election after the passage of this act, the qualified electors of the said Fifteenth judicial district shall elect, in the manner prescribed by law for the election of a president judge, a competent person learned in the law to serve as said additional law judge in said district; vacancies in the office hereby created, whether caused by death, resignation, expiration of term, or otherwise, shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge.

SECTION 5. The judge in said district whose commission shall first expire shall be the president judge thereof, except when the president judge shall be reëlected, in which case he shall continue to be president judge.

SECTION 6. The Governor is hereby authorized, by and with the consent of the Senate, to appoint some competent person learned in the law as an additional law judge of said judicial district until the first Monday in January succeeding the next general election.

CHAUNCEY F. BLACK,
President of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR.
HARRISBURG, *April 13, 1885.*

To the Senate of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return without my signature Senate bill No. 15, entitled "An act to provide an additional law judge in the Fifteenth judicial district."

The number of judges in the Commonwealth is already so large, and the expenses of maintaining the judicial system so great, that an addition to either can only be justified by the most urgent necessity or the plainest constitutional command. In the judgment of the Executive no such reason exists for the passage of the bill. The judicial apportionment act was passed at the extra session of the Legislature a little more than eighteen months ago. The Fifteenth judicial district as at present existing was constituted by that act. Is it reasonable to suppose that anything has occurred since requiring the additional judge given to that district by this bill? The county of Chester has not since then increased its population to any considerable extent, nor has anything occurred to appreciably augment its judicial business.

For all practical purposes it is correct to regard the condition of that county to day as being the same that it was at the time of the extra session. Why, then, should the general law passed at that session be now changed by the addition of another judge? I can conceive no reason for the increase, and, therefore, decline giving it the sanction of my signature. The habit of frequently tinkering at general apportionment laws is to be condemned. The Constitution commands that the judicial districts of the State shall be apportioned every ten years. While authority is also given to create additional courts and judges from time to time, the fundamental law undoubtedly contemplates that, except in rare cases and for urgent reasons, the decennial apportionment should remain unchanged for ten years. The idea of a permanent general statute to be of force for a decade underlies the Constitutional provision commanding the decennial apportionment. The present bill conflicts with that purpose without, to my mind, any adequate reason.

Experience and the judgment of the most thoughtful men concur in the belief that the judicial system suffers in dignity, usefulness, and public respect by having too numerous a body of judges. The people, I believe, would welcome a change which would reduce the number of judges. It is certain that no increase is demanded, and none, I think, would be useful. We have almost reached the extreme limit where any addition to the ranks of judges is very likely to cheapen the judicial office and impair its dignity. For these reasons I withhold my approval.

ROBT. E. PATTISON.

No. 3.

AN ACT

Providing for additional copies of Smull's Legislative Hand-Book.

SECTION 1. *Be it enacted, &c.*, That the State Printer be and is hereby authorized to furnish fifteen thousand additional copies of Smull's Legislative Hand-Book for the use of the Senate and House of Representatives, five thousand thereof for the Senators and ten thousand for the members of the House of Representatives, the work to be done at the prices prescribed in the contract for such work.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *April 25, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania :

GENTLEMEN : I herewith return without my approval House bill No. 393, entitled "An act providing for additional copies of Smull's Legislative Hand-Book."

Existing statutes provide for the printing of ten thousand copies of the hand-book, which number has been accordingly published and distributed. The present bill authorizes the State Printer to furnish the Legislature for its use fifteen thousand additional copies of the book.

It seems to me this is unnecessary extravagance, for which the State would receive no adequate return. The fact that the book contains information which may be interesting or useful to many is no reason why the State should supply it profusely to the citizens. The same argument would avail to justify making the Government the publisher and gratuitous distributor of many other volumes of generally useful public information. The reasoning would be quite as good, or better, for the free distribution of Purdon's Digest, and this, indeed, was the excuse invoked years ago for great extravagance in the issue of that work, which waste is now happily stopped.

The utility of Smull's Hand-Book, or the need of a general dissemination of the information it contains, as a governmental measure, is more fanciful than real. While it may be gratifying to the legislators to be able to distribute such books, more curious than needful, to their constituents, it seems to the Executive that the existing laws make ample provisions for this purpose, and that the passage of the bill entails upon the State uncalled-for expense.

The bill authorizes the cost of the proposed additional fifteen thousand books to be at the same rate as the contract provides for those already issued. It would seem as though the additional copies ought, in fact, to be published at a much less rate than the first issue. The custom with printing establishments is ordinarily to make a considerable reduction in the price of additional impressions beyond the first number contracted for. This rule ought to be available for the State in such matters as well as for individuals. If I had no other objection to the bill, therefore, I would disapprove it for this reason alone. While the State Printer would be helped out in his contract, the State would be paying more than she ought to pay for the work done.

My objection, however, is to the whole object of the bill and the system of enlargement of contracts upon which it is based.

ROBT. E. PATTISON.

No. 4.

AN ACT

To prevent the acquisition of rights of way by user across lands belonging to schools, seminaries, universities, and colleges in this Commonwealth.

WHEREAS, It is of frequent occurrence that the schools, seminaries, universities, and colleges in this Commonwealth have laid out walks and drives upon their lands and have, in whole or in part, dispensed with gates and

fences, so that the public have greater opportunity of passing on or across such lands, and it is proper that rights of way or passage shall not be acquired, by mere user, across or upon lands so improved and exposed to public access; therefore,

SECTION 1. *Be it enacted, &c.*, That hereafter no right of way or passage shall be acquired by user by any person or persons over, across, or upon lands belonging to any school, seminary, or college in this Commonwealth upon which any school, seminary, university, or college buildings are erected, or which are contiguous to and not in connection with such building.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *May 7, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return without my approval House bill No. 37, entitled "An act to prevent the acquisition of rights of way by user across lands belonging to universities and colleges in this Commonwealth."

The object sought to be attained by this bill may be in some respects desirable, but I do not think it of sufficient importance or so exclusively dependent upon this measure for its attainment as to call for the staying of the operation of a general law of property as old as the common law itself. The exigencies ought to be great that would justify an exception being made in favor of any one as against a legal principle of so ancient, approved and universal operation.

As the user requisite for acquiring a right of way must be adverse and continuous for twenty-one years, these institutions can protect their lands from being subjected to the easement by a temporary stoppage of the user at intervals of every twenty years. This could be done at very little inconvenience, and it is better that the colleges should resort to this method than that the operation of the general law should be stayed for their especial benefit.

The bill also is so drafted as to admit of the construction that lands now belonging to universities and colleges could never hereafter be subject to the acquisition of easements of this character, even though they should pass out of the ownership of such institutions to that of individuals. The bill at once absolutely exempts all such lands, not merely so long as they are owned by the universities and colleges, but forever hereafter; if the colleges should sell the lands, they should be purchased with the exemption inhering in them.

I am informed, as a matter of fact, that the bill is intended for the relief of one only, or not more than two institutions.

If so, this is a small peg on which to hang so important a statute. "Hard cases make bad laws."

ROBT. E. PATTISON.

No. 5.

AN ACT

Authorizing and requiring the county commissioners of each county in the State to appoint a sufficient number of suitable persons in each township and ward of their county, at the expense of the county, to look after, bury, and provide a headstone for the body of any honorably discharged soldier, sailor, or marine who served in the army or navy of the United States during the late Rebellion or any preceding war, and shall hereafter die in their county leaving insufficient means to defray the necessary burial expenses.

SECTION 1. *Be it enacted, &c.*, That it shall be the duty of the county commissioners of each county in this State to appoint a sufficient number of suitable persons in each township and ward in their county, other than those prescribed by law for the care of paupers and the custody of criminals, to look after and cause to be buried in a decent and respectable manner, in any cemetery or burial-ground within this State, other than those used exclusively for the burial of the pauper dead, at an expense to their county not exceeding thirty-five dollars, the body of any honorably discharged soldier, sailor, or marine who served in the army or navy of the United States during the late Rebellion or any preceding war, and shall hereafter die in their county leaving insufficient means to defray the necessary burial expenses. And the persons so appointed shall hold their offices at the pleasure of the county commissioners and shall serve without compensation.

SECTION 2. It shall be the duty of the persons so appointed in each township and ward in each county, before assuming the charge and expense of the burial of the body of any soldier, sailor, or marine, in their township or ward under the provisions of this act, to first satisfy themselves by a careful inquiry into, and examination of, all the circumstances in the case of such deceased soldier, sailor, or marine, whose body they are called upon to bury, served in the army or navy of the United States during the late Rebellion or any preceding war, and was honorably discharged and died in their township or ward leaving insufficient means to defray the necessary burial expenses; whereupon, if they are satisfied that such facts exist, they shall take charge of the body of such deceased soldier, sailor, or marine, and cause it to be buried in the manner mentioned in the first section of this act, and thereupon they shall immediately report their action in the case to the county commissioners of their county, setting forth the facts ascertained by them, together with the name, rank, and command to which such deceased soldier, sailor, or marine belonged at the time of his discharge, the date of his discharge, the character of his occupation immediately preceding his death, the date of his death, and place of his burial, and also an accurately itemized statement of the expenses incurred in and about such burial; which report shall be duly attested by three reputable persons of full age, residing in the township or ward in which such deceased soldier, sailor, or marine died, knowing the fact that such deceased soldier, sailor, or marine died without sufficient means to defray the necessary burial expenses.

SECTION 3. It shall be the duty of the county commissioners of each county of this State upon receiving the reports and statements of expenses from their appointees, under the provisions of this act, to transcribe in a book to be kept for the purpose all the facts contained in such reports and statements, and to draw warrants upon the treasurer of their county for the

payment of such expenses, not exceeding, however, the said sum of thirty-five dollars on each body buried in accordance with the provisions of this act, to be paid out of the fund of the county, and such warrants shall be made payable to the persons appointed under the provisions of this act who shall have buried the bodies for which the warrants are to be so drawn.

SECTION 4. It shall also be the duty of the county commissioners of each county in this State, upon the death of any soldier, sailor, or marine within their county, who shall be buried under the provisions of this act, to cause a headstone to be placed at the head of the grave of each deceased soldier, sailor or marine, containing his name, and, if possible, the organization to which he belonged or in which he served, to be of such material and design as they may deem suitable, and the expense for the same shall be paid out of the funds of the county in which such soldier, sailor or marine died: *Provided, however*, That the expense shall not exceed the sum of fifteen dollars for such headstone; and the county commissioners of each county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of such expense in favor of the party or parties furnishing such headstone.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *May 8, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return, without my signature, House bill No. 10, entitled "An act authorizing and requiring the county commissioners of each county in the State to appoint a sufficient number of suitable persons in each township and ward of their county, at the expense of the county, to look after, bury, and provide a headstone for the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the late Rebellion or any preceding war, and shall hereafter die in their county leaving insufficient means to defray the necessary burial expenses."

The bill requires the commissioners of every county in the State to appoint in every ward and township in their respective counties such number of persons as they shall deem "sufficient," who shall hold their offices during the pleasure of the commissioners, and be charged with the following duties: To "look after and cause to be buried in a decent and respectable manner, in any cemetery or burial-ground within the State, other than those used exclusively for the burial of the pauper dead," the bodies of honorably discharged soldiers, sailors or marines who served in the army or navy of the United States in the late Rebellion or any preceding war, and who may die leaving insufficient means to pay for their burial. For the cost of every such burial, to the amount of thirty-five dollars, the county commissioners are required to draw warrants upon the treasury of the county, "to be paid out of the fund of the county." After such burial, the commissioners are required to erect over every such grave a headstone of such design and material as they think proper, inscribed with the name of the person and the organization in which he served; and for the payment

of the expense of every such headstone the commissioners are authorized to draw a warrant to the amount of fifteen dollars, which "shall be paid out of the funds of the county in which said soldier, sailor or marine died."

This bill is a remarkable exhibition of the unwarranted and preposterous extent to which a most laudable and patriotic sentiment may be carried. That principle which induces governments to pension and provide for injured and destitute soldiers, is founded in wise policy as well as dictated by the spirit of a liberal humanity. The United States and our own Commonwealth have carried this principle into their laws with no niggardly hand. Thoughtful patriots have not hesitated to say that all has been done in this direction that the most generous and grateful of governments ought to do consistently with common prudence and wise public policy, and that the limit has been reached beyond which liberality will become extravagance and benevolence breed abuse. The bill herewith returned is a striking proof of the justice of such warnings, and an illustration of the thoughtlessness and crudity that may characterize legislation enacted under the pressure of misguided charity. By this bill, any man who fought in the United States army in any war, and who dies in any county of the State without leaving sufficient means for his burial, immediately becomes a charge upon that county for his burial to the amount of fifty dollars. He may never have had a residence in the county; he may even never have been a citizen of the State; he may not have been wounded, or become diseased or disabled in the public service; he may die as the result of his vices or his crimes, by accident or by his own hand; he may have enjoyed and wasted the bounty of the Federal Government or the State for years; he may die in the perpetration of a felony, or be a criminal fleeing the justice of another jurisdiction; but no matter who he is or what he has been, if he served in the army or navy of the United States in any war and dies destitute in any county, that county must bury him at an expense of thirty-five dollars, and erect a headstone over his grave at a cost of fifteen dollars. A destitute soldier of the Mexican war, who enlisted from the State of New Jersey, and who all his life has been a resident of that State, may go into Philadelphia and die there; or one from the State of New York may wander into and die in any county on our northern border, and in each case the county in which the soldier dies becomes liable for an expenditure of fifty dollars for his burial. And so of destitute soldiers coming into our Commonwealth from any other State, no matter how they come or what caused their destitution, so that they get into our State and die here, this bill operates to charge the counties which may be so unfortunate as to be the places of their death with the cost of their burial. Could any bill be more void of intelligent principle or based upon so little reason? No guard of any kind is provided to protect the counties from imposition, and no account whatever is taken of any of the many circumstances that in the most liberal pension laws that were ever enacted are always made an indispensable condition for the enjoyment of their bounty. It is impossible to conceive of any reason why a soldier who was never credited to Pennsylvania; who never reflected any honor upon her arms; who never contributed by industry, citizenship or otherwise to her prosperity, should by the mere accident of death within her borders be entitled, no matter what his character of life may have been, to the burial this bill provides at the expense of one of the counties. The lowly citizen of our State, who, though not a soldier, has spent all his life within our Commonwealth, supporting her institutions and dignifying her reputation by virtue, sobriety and in-

du-try, and who through misfortune dies a pauper, can claim no such privilege as this bill gives indiscriminately to strangers of whatever character. He must receive a pauper's burial. It is quite possible to conceive, if this bill should become a law, that neighboring States might rapidly be relieved of much of their unproductive soldier population to the marked increase of that class in our own State.

The machinery provided by the bill for carrying out its provisions also calls for notice. It authorizes and makes it the duty of the county commissioners to appoint an indefinite number of persons in every ward and township of the State, who are to be the officers having in charge the burials in their respective wards and townships. This means the creation of many hundreds—possibly thousands—of officials; and while the bill provides that they shall serve without compensation, yet experience shows that official duties invariably entail official expense, and it is not probable that these functionaries would be any exception to the rule. Apart from this, however, it is always an objection when legislation creates an undue number of officers, which this bill undoubtedly does.

It may well be questioned, also, whether the provisions of this measure fall within the scope of the legislative power. It will be observed that it does not appropriate the money of the State, but attempts to direct the bounty of the counties. It commands that certain political sub-divisions of the State shall perform certain charitable acts—not generally, as in establishing a poor-house or the like, which is an exercise of the general police power of the State, but specially, in a special manner, with reference to a special class and at a special definite cost. Without now deciding the question, the Executive would suggest that the bill requires considerable stretch of legislative power to justify its principle.

ROBT. E. PATTISON.

No. 6.

AN ACT

Authorizing the president and managers of the various turnpike and plank road companies of the Commonwealth to sell or abandon either the whole or part of the corporate highways under their management, with the consent of the persons holding the larger amount in value of the stock, to the city, town, borough or township authorities.

SECTION 1. *Be it enacted, &c.*, That the president and managers of any turnpike or plank road company, after having secured the consent of the persons holding two-thirds of the amount in shares thereof, shall have power to sell or abandon in whole or in part the turnpike or plank road under their management to the city, town, borough or township authorities.

SECTION 2. That after such sale or abandonment, the company or corporation making such sale or abandonment shall be relieved and discharged from keeping in order or repair said turnpike or plank road, or the portion thereof so sold or abandoned, but this act shall not relieve any company from keeping in repair all such portions of turnpike or plank road retained and not sold or abandoned, or in any wise affect the rights to demand and collect tolls on the parts of turnpike or plank roads not sold or abandoned, or their corporate privileges as authorized by their charters and supple-

ments thereto: *Provided*, That before any of the provisions of this act shall inure to the benefit of any company, the company shall first duly accept the provisions of the existing Constitution of this Commonwealth in the manner provided by law.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *May 20, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I return herewith without my approval House bill No. 76, entitled "An act authorizing the president and managers of the various turnpike and plank road companies of the Commonwealth to sell or abandon either the whole or part of the corporate highways under their management, with the consent of the persons holding the larger amount in value of the stock, to the city, town, borough or township authorities." The objections to this bill are that it authorizes the holders of two thirds of the stock of a turnpike or plank road company to sell or abandon all or part of the road or turnpike without providing for the payment of the debts of the company, without calling a meeting of the stockholders to consider the subject and giving notice thereof, and without any judicial supervision whatever. It is unheard of to allow a corporation to give away or sell its most valuable property without notice, without the control or direction of a court, without regard to the claims of creditors, and without consideration of the rights of the minority of the stockholders.

To confer such a privilege (if the Legislature be at all competent to do it) would be an anomaly in our laws, and would open the door to serious wrongs upon creditors and stockholders. Existing laws governing the subject of abandoned turnpikes and plank roads very properly place the matter under the supervision of the courts. If these laws are defective, they can be amended, but under any circumstances judicial supervision should not be abolished.

ROBT. E. PATTISON.

No. 7.

AN ACT

To amend the road and bridge laws with respect to Fulton county.

SECTION 1. *Be it enacted, &c.*, That the number of road and bridge viewers appointed by the court of quarter sessions of the county of Fulton shall be three; every view, review and re-review shall be made by the whole number of persons so appointed, a majority of whom shall concur in their report, in order to its confirmation by the court; the provisions of this section shall include viewers appointed to inspect bridges under the thirty-ninth section of the general road law of eighteen hundred and thirty-six.

SECTION 2. That in all cases of the appointment of viewers in the said county to view the site of a bridge, or to view and locate, vacate or change and supply any public road, or to review or re-review the same, the said viewers, reviewers or re-reviewers, or one of them, shall, before proceeding to view, give public notice by six or more advertisements, put up at least ten days before the time of meeting, in the most public places in the vicinity of the place to be viewed, of the time and place they will meet for the purpose of making such view.

SECTION 3. That if the viewers aforesaid shall fix upon the location of a bridge or of a public road, or shall vacate and supply or change the location of any public road, it shall be the duty of the said viewers to endeavor to procure, from the persons through whose lands such location or re-location may be made, releases from all claims of damages that might arise from opening the road, which releases shall be good, if in writing only, though not under seal. In every such case, when the said viewers shall fail to procure such releases and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof, signed by a majority of their number, and return the same, together with all releases obtained, to the proper court of quarter sessions: *Provided*, That any person affected by such report shall be entitled to an appeal to the court of common pleas of the proper county, by entering the same within the time allowed by general laws: *Provided further*, That any appeal taken pursuant to this section shall be signed by the party or parties taking the same, or by his or their agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of his or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done. After such appeal, either party may put the cause at issue, in the form directed by said court, and the same shall then be tried by said court and a jury, and after final judgment either party may have a writ of error thereto from the Supreme Court in the manner prescribed in other cases.

SECTION 4. That the expense of views to view the site of a bridge, or to view and locate, or change and supply any public road, or to review or re review the same, likewise all damages which may be assessed in favor of persons through whose land such location or re-location may be made, whether the same shall be assessed by viewers, appointed under the provisions of this act, or by a jury on an appeal to the court of common pleas as herein provided, shall be wholly paid by the persons applying for the same.

SECTION 5. That all the provisions of the general road laws, or any other act of Assembly inconsistent herewith, are hereby repealed, so far as regards the county of Fulton: *Provided*, That all proceedings under former laws now pending, shall be prosecuted to a final completion, under the same laws and under this act, so far as the same is applicable, as fully as though they were not supplied or repealed.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *May 21, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return, without my signature, House bill No. 334, entitled "An act to amend the road and bridge laws with respect to Fulton county."

This is a local bill, relating to roads and bridges in Fulton county.

It, therefore, clearly conflicts with the provisions of section 7 of Article III. of the Constitution, which provides that the "General Assembly shall not pass any local or special law regulating to the affairs of counties, authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys," or "relating to ferries or bridges." These prohibitions are absolute, and bills like the present one, falling within the prohibitions, are not helped by advertisement.

ROBT. E. PATTISON.

No. 8.

AN ACT

To explain an act entitled "An act fixing salaries of county officers in counties containing over one hundred thousand and less than one hundred and fifty thousand inhabitants, and requiring the payment of the fees of such officers into the respective county treasuries." approved June twenty-second, one thousand eight hundred and eighty-three.

SECTION 1. *Be it enacted, &c.*, That the act approved June twenty-second, one thousand eight hundred and eighty-three, entitled "An act fixing salaries of county officers in counties containing over one hundred thousand and less than one hundred and fifty thousand inhabitants, and requiring the payment of the fees of such officers into the respective county treasuries," shall not be so construed as to prevent the board of prison inspectors of any county from supplying the prison keeper of said county with a residence, fuel, light and boarding for himself and family proper, in the prison of any county within the provisions of said act.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *May 21, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I return herewith without my approval House bill No. 44, entitled "An act to explain an act entitled 'An act fixing salaries of county officers in counties containing over one hundred thousand and less than one hundred and fifty thousand inhabitants, and requiring the payment of the fees of such officers into the respective county treasuries,' approved June 22, 1883."

This bill enacts that the salary act of 1883 shall not be so construed as to prevent the board of prison inspectors of any county from supplying the prison keeper of said county with a residence, fuel, light and boarding for himself and family proper in the prison of any county within the provision of said act; while pretending to explain the act of one thousand eight hundred and eighty-three, the bill in fact, repeals or nullifies a most important part of the act. It is, therefore, not an explanatory statute, as its title recites, but a distinct enactment. The salary law of 1883 gave the officers in the counties enumerated a specific salary in place of fees. It was passed to carry out the spirit of the Constitution, which intended to wipe out the abuse of the fee system and compensate officials entirely by fixed salaries. In pursuance of this spirit, the act of 1883 expressly provides that the salary it fixed should "be in lieu of all or any moneys, fees, perquisites or mileage, expenses, and other allowance which are now, or may hereafter be received by or allowed to any officer named."

The bill before me, under pretense of explaining this act, virtually repeals the above provision by directing that the prison keeper, whose salary that act fixes, shall, in addition to his salary, receive a residence, fuel, light and boarding for himself and family.

The title of the bill, therefore, is deceptive, and does not contain a clear statement of the contents of the enactment. For this reason alone it is illegal and obnoxious to the Constitution.

Beyond this, however, it is vicious in that it is a partial revival of the system of official perquisities, which the act of 1883 was passed to abrogate, and which the Constitution intended should be entirely done away with.

ROBT. E. PATTISON.

No. 9.

AN ACT

To authorize an additional law judge of the several courts of the Eighth judicial district.

SECTION 1. *Be it enacted, &c.*, That the qualified electors of the Eighth judicial district shall, at the next general election, in the manner prescribed by law for the election of the president judge, elect one person learned in the law to serve as an additional judge of the several courts in said district. The said additional judge shall possess the same qualifications which are required by the Constitution and laws for president judge, and shall be commissioned by the Governor, and shall hold his office by the same tenure as other judges of courts of record are required to be learned in the law. The said additional judge shall have the same power, authority, and jurisdiction and be subject to the same duties, provisions, and penalties as the president judge, and shall receive the same compensation for his services, to be paid out of the State treasury in quarterly payments, in the same manner as the salaries of president judges are now by law paid.

SECTION 2. That the said additional judge shall have the same powers, authority and jurisdiction to hold the said courts in the said district that the president judge now has by law, and that it shall be the duty of the said additional judge, in case of absence, illness or death of the president

judge of said district, to hold and preside at all the courts in the said district. The said additional judge shall have power to appoint and hold such adjourned terms, in addition to the regular terms of court, as the business may require, and to award venires for jurors at all the said regular and adjourned terms, if necessary. Questions of law which may arise before the president judge or said additional judge may, in the discretion of the judge, be reserved for the determination of all the judges, either in term time or at such adjourned sessions as they may appoint and hold for the purpose, and, if the said judges cannot agree, the opinion of the judge trying the cause shall be the judgment of the court.

SECTION 3. That the said additional judge shall have the same power and authority and jurisdiction to hold special courts in other districts, the same that president judges now have by existing laws.

SECTION 4. That the Governor shall appoint some suitable person to act as such additional judge, from the date of the approval of this act until an election be held and a judge elected and commissioned as above: *Provided*, The judge so appointed be invested with all the powers, authority and jurisdictions, subject to the same restrictions and penalties, and to receive the same salary, and in the same manner, as provided by the foregoing sections for the additional law judge of the Eighth judicial district.

SECTION 5. That the president judge and said additional law judge may, together or separately, hold the several courts of said district at the same time, and may have separate jury trials in progress at the same time, and for that purpose may cause separate juries to be sworn from the panel of jurors summoned to attend the said court at any general, special or adjourned term thereof.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *May 27, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I return herewith, without my approval, House bill No. 41, entitled "An act to authorize an additional law judge of the several courts of the Eighth judicial district."

I withhold my signature from this bill because I believe the additional law judge created by it is not required by the business of the district, is not demanded by the people, and is an unnecessary addition to the public expense. As was said in a former message upon a similar bill relating to another district, the number of judges in the Commonwealth is already so large and the cost of maintaining the judicial department so great that any addition thereto is to be deprecated, unless called for by some undoubted exigency of the public business.

Such an exigency does not, I think, exist in the Eighth judicial district, and I therefore decline to give my approval to this bill, increasing the number of judges above what I believe to be the requirements of the district and against the desire of the people.

ROBT. E. PATTISON.

No. 10.

AN ACT

To fix the number of Senators and Representatives in the General Assembly of the State, and to apportion the State into Senatorial and Representative districts as provided in the Constitution.

SECTION 1. *Be it enacted, &c.*, That until the next United States decennial census is taken and an apportionment made thereon, the Senate shall consist of fifty members, and the State is hereby apportioned into fifty Senatorial districts, each of which shall be known by the number herein attached thereto and shall each be entitled to elect one member, as follows, to wit:

First district, the First, Second, Twenty-sixth and Thirtieth wards of the city of Philadelphia,

Second district, the Third, Fourth, Fifth, Sixth, Eleventh and Twelfth wards of said city.

Third district, the Ninth, Tenth, Thirteenth, Fourteenth and Twenty-fourth wards of said city.

Fourth district, the Seventh, Eighth and Twenty-seventh wards of said city.

Fifth district, the Fifteenth, Twenty-eighth and Twenty-ninth wards of said city.

Sixth district, the Nineteenth, Thirty-first and Twenty-fifth wards of said city.

Seventh district, the Sixteenth, Seventeenth, Eighteenth and Twentieth wards of said city.

Eighth district, the Twenty-first, Twenty-second and Twenty-third wards of said city.

Ninth district, the county of Delaware.

Tenth district, the county of Bucks.

Eleventh district, the county of Berks.

Twelfth district, the county of Montgomery.

Thirteenth district, the city of Lancaster and the following boroughs and townships in the county of Lancaster, namely: The boroughs of Washington and Strasburg, and the townships of Manor, Lancaster, Conestoga, Pequa, Martic, Providence, Drumore, Fulton, Little Britain, West Lampeter, Strasburg, Colerain, Eden, Bart, Salisbury, Sadsbury, Paradise, Leacock and East Lampeter.

Fourteenth district, all of the county of Lancaster not included in the Thirteenth district.

Fifteenth district, the counties of Dauphin and Lebanon.

Sixteenth district, the counties of Lehigh and Carbon.

Seventeenth district, the county of Chester.

Eighteenth district, the county of Northampton.

Nineteenth district, the county of Luzerne.

Twentieth district, the county of Lackawanna.

Twenty-first district, the counties of Montour and Northumberland.

Twenty-second district, the counties of Monroe, Pike and Wayne.

Twenty-third disirict, the counties of Bradford and Sullivan.

Twenty-fourth district, the counties of Lycoming and Columbia.

Twenty-fifth district, the counties of Tioga and Potter.

Twenty-sixth district, the counties of Susquehanna and Wyoming.

Twenty-seventh district, the counties of Snyder, Juniata, Mifflin and Union.

Twenty-eighth district, the county of York.

Twenty-ninth district, the counties of Centre and Huntingdon.

Thirtieth district, the counties of Franklin and Perry.

Thirty-first district, the counties of McKean and Cameron.

Thirty-second district, the counties of Clinton and Clearfield.

Thirty-third district, the county of Schuylkill.

Thirty-fourth district, the counties of Cumberland and Adams.

Thirty-fifth district, the counties of Blair and Cambria.

Thirty-sixth district, the counties of Somerset, Bedford and Fulton.

Thirty-seventh district, the counties of Indiana and Jefferson.

Thirty-eighth district, the counties of Clarion, Elk and Forest.

Thirty-ninth district, the county of Westmoreland.

Fortieth district, the counties of Fayette and Greene.

Forty-first district, the counties of Butler and Armstrong.

Forty-second district, the city of Allegheny, the boroughs of Bellevue, West Bellevue, Glennfield and Sewickley, and the townships of Reserve, Marshall, Franklin, Sewickley, Ohio, Kilbuck, Aleppo and Leet in the county of Allegheny.

Forty-third district, the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Twentieth, Twenty-second and Twenty-third wards of the city of Pittsburgh.

Forty-fourth district, the Seventeenth, Eighteenth, Nineteenth and Twenty-first wards of the city of Pittsburgh, the boroughs of Millvale, Etna, Sharpsburg, Tarentum, Verona, Braddocks, McKeesport and Elizabeth, and the townships of Richland, Hampton, Shaler, Ross, McCandless and Pine, West Deer, East Deer, Indiana, Harmer, O'Hara, Springdale, Fawn, Harrison, Penn, Plum, Patton, Sterrett, Wilkins, Versailles, North Versailles, South Versailles, Lincoln, Elizabeth and Forward in the county of Allegheny.

Forty-fifth district, the Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth and Thirty-sixth wards of the city of Pittsburgh, and the boroughs of Chartiers, Mansfield, Beltzhoover, Knoxville, Homestead, West Liberty and West Elizabeth, and the townships of Chartiers, Union, South Fayette, Scott, Lower Saint Clair, Upper Saint Clair, Snowden, Baldwin, Mifflin, Jefferson, Collier, Crescent, Findley, Moon, Neville, North Fayette, South Fayette, Robinson and Stowe of the county of Allegheny.

Forty-sixth district, the counties of Beaver and Washington.

Forty-seventh district, the counties of Mercer and Lawrence.

Forty-eighth district, the counties of Venango and Warren.

Forty ninth district, the county of Erie.

Fiftieth district, the county of Crawford.

Section 2. In those Senatorial districts which are composed of more than one county, the persons appointed as return judges shall, on the Tuesday following the day of the annual election in November, at two o'clock, post meridian, meet and cast up the several county returns, and execute under their hands and seals one general and true return of the whole district in triplicate, one copy of which, properly sealed up and addressed, shall be sent by mail to the Secretary of the Commonwealth, one shall be de-

posited with the prothonotary of the county wherein the return is executed, and one copy sent to the person receiving the highest number of votes for Senator in the district, to wit:

The return judges of the Fifteenth district shall meet at the court-house in the city of Harrisburg in the county of Dauphin.

The return judges of the Sixteenth district shall meet at the court-house in the city of Allentown in the county of Lehigh.

The return judges of the Twenty-first district shall meet at the court-house in the borough of Sunbury in the county of Northumberland.

The return judges of the Twenty-second district shall meet at the court-house in the borough of Stroudsburg, Monroe county.

The return judges of the Twenty-third district shall meet at the court-house in the borough of Towanda in the county of Bradford.

The return judges of the Twenty-fourth district shall meet at the court-house in the city of Williamsport in the county of Lycoming.

The return judges of the Twenty-fifth district shall meet at the court-house in the borough of Wellsboro' in the county of Tioga.

The return judges of the Twenty-sixth district shall meet at the court-house in the borough of Montrose in the county of Susquehanna.

The return judges of the Twenty-seventh district shall meet at the court-house in the borough of Lewistown in the county of Mifflin.

The return judges of the Twenty-ninth district shall meet at the court-house in the borough of Huntingdon in the county of Huntingdon.

The return judges of the Thirtieth district shall meet at the court-house in the borough of Chambersburg in the county of Franklin.

The return judges of the Thirty-first district shall meet at the court-house in the borough of Smethport in the county of McKean.

The return judges of the Thirty-second district shall meet at the court-house in the borough of Clearfield in the county of Clearfield.

The return judges of the Thirty-fourth district shall meet at the court-house in the borough of Carlisle in the county of Cumberland.

The return judges of the Thirty-fifth district shall meet at the court-house in the borough of Hollidaysburg in the county of Blair.

The return judges of the Thirty-sixth district shall meet at the court-house in the borough of Bedford in the county of Bedford.

The return judges of the Thirty-seventh district shall meet at the court-house in the borough of Indiana in the county of Indiana.

The return judges of the Thirty-eighth district shall meet at the court-house in the borough of Ridgway in the county of Elk.

The return judges of the Fortieth district shall meet at the court-house in the borough of Uniontown in the county of Fayette.

The return judges of the Forty-first district shall meet at the court-house in the borough of Butler in the county of Butler.

The return judges of the Forty-sixth district shall meet at the court-house in the borough of Washington in the county of Washington.

The return judges of the Forty-seventh district shall meet at the court-house in the borough of Mercer in the county of Mercer.

The return judges of the Forty-eighth district shall meet at the court-house in the city of Franklin in the county of Venango.

SECTION 3. The Senators shall be chosen by the qualified electors of the city of Philadelphia and the several counties of this Commonwealth at the time, places and in the manner prescribed by the Constitution and laws of this Commonwealth. The Senators shall be chosen in the several districts at

the following times, to wit: At the general election in November, one thousand eight hundred and eighty-six, Senators shall be chosen to serve for four years in the even-numbered districts.

SECTION 4. That until the next decennial United States census and the apportionment be made thereon by law, the House of Representatives shall consist of two hundred and four members and shall be apportioned as follows, namely:

The city of Philadelphia shall elect thirty-nine members, and the said city shall be divided into twenty-eight districts, as follows:

The First ward shall constitute the First district and elect two members.

The Second ward shall constitute the Second district and elect one member.

The Third ward shall constitute the Third district and elect one member.

The Fourth ward shall constitute the Fourth district and elect one member.

The Fifth ward shall constitute the Fifth district and elect one member.

The Thirtieth ward shall constitute the Sixth district and elect one member.

The Seventh ward shall constitute the Seventh district and elect one member.

The Eighth ward shall constitute the Eighth district and elect one member.

The Ninth ward shall constitute the Ninth district and elect one member.

The Tenth ward shall constitute the Tenth district and elect one member.

The Eleventh ward shall constitute the Eleventh district and elect one member.

The Sixth and Twelfth wards shall constitute the Twelfth district and elect one member.

The Thirteenth ward shall constitute the Thirteenth district and elect one member.

The Fourteenth ward shall constitute the Fourteenth district and elect one member.

The Fifteenth ward shall constitute the Fifteenth district and elect two members.

The Sixteenth ward shall constitute the Sixteenth district and elect one member.

The Seventeenth ward shall constitute the Seventeenth district and elect one member.

The Nineteenth and Thirty first wards shall constitute the Eighteenth district and elect three members.

The Twentieth ward shall constitute the Nineteenth district and elect two members.

The Twenty-first ward shall constitute the Twentieth district and elect one member.

The Twenty-second ward shall constitute the Twenty-first district and elect one member.

The Twenty-fifth and Eighteenth wards shall constitute the Twenty-second district and elect three members.

The Twenty-third ward shall constitute the Twenty-third district and elect one member.

The Twenty-fourth ward shall constitute the Twenty-fourth district and elect two members.

The Twenty-sixth ward shall constitute the Twenty-fifth district and elect two members.

The Twenty-seventh ward shall constitute the Twenty-sixth district and elect one member.

The Twenty-eighth ward shall constitute the Twenty-seventh district and elect two members.

The Twenty-ninth ward shall constitute the Twenty-eighth district and elect two members.

The county of Adams shall be entitled to and shall elect two members.

The county of Allegheny shall be entitled to sixteen members, and the said county is hereby divided into five districts, as follows:

The city of Allegheny shall constitute the First district and elect four members.

The Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth wards of the city of Pittsburgh shall constitute the Second district and elect three members.

The First, Second, Third, Sixth, Fourteenth, Twentieth, Twenty-first, Twenty-second, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth and Thirty-sixth wards of the city of Pittsburgh shall constitute the Third district and elect four members.

The boroughs and townships in the county of Allegheny lying south of the Ohio and Monongahela rivers shall constitute the Fourth district and elect two members.

The boroughs and townships in the county of Allegheny lying north of the Ohio and Monongahela rivers shall constitute the Fifth district and shall elect three members.

The county of Armstrong shall elect two members.

The county of Beaver shall elect two members.

The county of Bedford shall elect two members.

The county of Blair shall elect two members.

The county of Bradford shall elect three members.

The county of Bucks shall elect three members.

The county of Butler shall elect two members.

The county of Berks shall be entitled to five members and shall be divided into three districts, namely:

The city of Reading shall elect two members and said city shall be divided into two districts.

The First, Fourth, Fifth, Sixth and Seventh wards of the city of Reading shall constitute the First district and shall elect one member.

The Second, Third, Eighth, Ninth, Tenth and Eleventh wards of the city of Reading shall constitute the Second district and elect one member.

The rest of said county of Berks shall constitute the Third district and elect three members.

The county of Cambria shall elect two members.

The county of Cameron shall elect one member.

The county of Carbon shall elect one member.

The county of Centre shall elect two members.

The county of Chester shall elect four members.

The county of Clarion shall elect two members.

The county of Clearfield shall elect two members.

The county of Clinton shall elect one member.

The county of Columbia shall elect two members.

The county of Crawford shall elect three members.

The county of Cumberland shall elect two members.

The county of Dauphin shall be entitled to four members and shall be divided into two districts, namely:

The city of Harrisburg shall constitute the First district and elect two members.

The rest of the said county shall constitute the Second district and elect two members.

The county of Delaware shall elect three members.

The county of Elk shall elect one member.

The county of Erie shall be entitled to three members and shall be divided into two districts, namely:

The city of Erie shall constitute the First district and elect one member.

The rest of the said county shall constitute the Second district and elect two members.

The county of Fayette shall elect three members.

The county of Forest shall elect one member.

The county of Franklin shall elect two members.

The county of Fulton shall elect one member.

The county of Greene shall elect one member.

The county of Huntingdon shall elect two members.

The county of Indiana shall elect two members.

The county of Jefferson shall elect one member.

The county of Juniata shall elect one member.

The county of Lancaster shall be entitled to six members and shall be divided into three districts, namely:

The city of Lancaster shall constitute the First district and shall elect one member.

The boroughs of Strasburg and Washington, the townships of Lancaster, Manor, Conestoga, Pequea, Martic, Providence, Drumore, Fulton, Little Britain, East and West Lampeter, Strasburg, Colerain, Eden, Bart, Salisbury, Sadsbury, Paradise and Leacock shall constitute the Second district and elect two members.

The rest of the county of Lancaster not embraced in the First and Second districts as aforesaid shall constitute the Third district and elect three members.

The county of Lawrence shall elect two members.

The county of Lebanon shall elect two members.

The county of Lehigh shall elect three members.

The county of Lycoming shall elect three members.

The county of Luzerne shall be entitled to six members and shall be divided into six districts, namely:

The city of Wilkes-Barre shall constitute the First district and elect one member.

The boroughs of Dallas, Exeter, Luzerne, New Columbus, Shickshinny, and West Pittston, and the townships of Dallas, Exeter, Huntingdon, Fairmount, Franklin, Kingston, Lake, Lehman, Jackson, Marcy, Salem, Union, Ross and Hunlock shall constitute the Second district and elect one member.

The boroughs of Edwardsville, Kingston, Nanticoke and Plymouth, and

the townships of Newport and Plymouth shall constitute the Third district and elect one member.

The boroughs of Upper Lehigh, Hazleton, Freeland and Jeddo, and the townships of Hazle and Foster shall constitute the Fourth district and elect one member.

The boroughs of Hughstown, Miner's Mills, Pittston, Pleasant Valley, Parsons and Yatesville, and the townships of Bear Creek, Buck, Jenkins, Plains and Pittston shall constitute the Fifth district and elect one member.

The boroughs of Ashley, Laurel Run, Sugar Notch and White Haven, and the townships of Black Creek, Butler, Conyngham, Denison, Dorrance, Hanover, Hollenback, Nescopec, Slocum, Sugar Loaf, Wilkes-Barre and Wright shall constitute the Sixth district and elect one member.

The county of Lackawanna shall be entitled to four members and be divided into two districts, namely:

The city of Scranton shall constitute the First district and elect two members.

The rest of the county of Lackawanna shall constitute the Second district and elect two members.

The county of McKean shall elect two members.

The county of Mercer shall elect three members.

The county of Mifflin shall elect one member.

The county of Monroe shall elect one member.

The county of Montgomery shall elect five members.

The county of Montour shall elect one member.

The county of Northampton shall elect three members.

The county of Northumberland shall elect two members.

The county of Perry shall elect one member.

The county of Pike shall elect one member.

The county of Potter shall elect one member.

The county of Schuylkill shall be entitled to six members and shall be divided into four districts, as follows:

The townships of Upper Mahantango, Hubley, Eldred, Hegins, Barry, Foster, Butler, Cass, and the boroughs of Ashland and Girardville shall constitute the Second district and elect one member.

The townships of East and West Mahanoy and Delano, Union, North Union and East Union, and the boroughs of Shenandoah, Gilberton, Mahanoy City and Frackville shall constitute the First district and elect one member.

The townships of Blythe, West Brunswick, East Brunswick, West Penn, Schuylkill, Kline. Rush, Ryan and Rahn, and the boroughs of Port Clinton, Orwigsburg, Tamaqua, New Philadelphia and Middleport shall constitute the Third district and elect one member.

The townships of Porter, Tremont, Pinegrove, Reilly, Frailey, Branch, Norwegian, New Castle and North, South and East Manheim, Washington, Wayne, and the boroughs of Pinegrove, Tremont, Minersville, Pottsville, Yorkville, Landingville, Saint Clair, Port Carbon, Mount Carbon, Palo Alto, Auburn, Cressona and Schuylkill Haven shall constitute the Fourth district and elect three members.

The county of Snyder shall elect one member.

The county of Somerset shall elect two members.

The county of Sullivan shall elect one member.

The county of Susquehanna shall elect two members.

The county of Tioga shall elect two members.

The county of Union shall elect one member.
The county of Venango shall elect two members.
The county of Warren shall elect one member.
The county of Washington shall elect three members.
The county of Wayne shall elect two members.
The county of Westmoreland shall elect four members.
The county of Wyoming shall elect one member.
The county of York shall elect four members.

SECTION 5. The Representatives shall be chosen by the qualified electors of the city of Philadelphia and the several counties of this Commonwealth at the time, places and in the manner prescribed by the Constitution and laws of this Commonwealth. Representatives shall be chosen at the general election in November, Anno Domini one thousand eight hundred and eighty-six, to serve for two years and biennially thereafter.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

[COMMUNICATION.]

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *May 12, 1885.*

To the Senate and House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I have received from you for approval Senate bill No. 64, entitled "An act to fix the number of Senators in the General Assembly of the State, and to apportion the State into Senatorial districts as provided in the Constitution."

I seriously doubt whether this bill in its present condition is a proper subject for Executive approval.

The Constitution commands that the Legislature "immediately after each United States decennial census shall apportion the State into Senatorial and Representative districts." This bill apportions it into Senatorial districts only. It is, therefore, but a partial compliance with the constitutional command, and I incline to believe an incomplete and defective act of legislation. The direction of the law is that the State shall be apportioned into both Senatorial and Representative districts, and an apportionment into Senatorial districts only is not an "apportionment" within the meaning of the Constitution. A consideration of the effect that might result from the enactment of a bill such as the one sent to me will, I think, prove that it is defective in its formal contents. If I should approve this measure, it is possible that from a number of causes the Legislature might adjourn without passing an act apportioning the State into Representative districts; or a Representative apportionment bill might be sent to me which I would feel it to be my duty to disapprove. Under any of these circumstances we would have the illogical and inconsistent condition of a General Assembly with the members of the Senate elected under an apportionment based upon the census of 1880, and the members of the House elected under an apportionment based upon the census of 1870. Such a condition was undoubtedly never contemplated by the framers of the Constitution, and, I feel sure, is not intended by this Legislature. The only apportionment known to the fundamental law or authorized by it is one which divides the State into both

kinds of districts, and it seems to me that a bill which does not disclose a purpose to deal fully with the appointed subject is formally imperfect. Surely, the Executive ought not to be asked to give his approval to a measure that might give rise to the condition of affairs I have pointed out above. I am further moved to this conclusion, not alone by a study of the text of the Constitution, but also by the fact that, since 1790, each apportionment of the State into Senatorial and Representative districts has been embraced in one bill. It is true that some acts containing partial apportionments have been passed, but they have been supplements or amendments to the general laws, and their constitutionality has been doubted.

Not wishing, however, to disapprove the bill sent to me upon this ground alone, if I should find it otherwise a proper enactment and being sincerely desirous that the Constitution shall be obeyed by the passage of a complete and valid apportionment, I respectfully request the Legislature to withdraw the bill now in my possession, with a view to the consideration of the suggestion herein made. As there is at the present moment a bill on your calendars dividing the State into Representative districts, the act sent to me can be so amended as to constitute a complete apportionment of the State as directed by the Constitution. No time will be lost by adopting this suggestion and a possible serious mistake will be avoided.

While the considerations I have presented may not be conclusive with the Legislature upon the point suggested, yet they certainly raise a question of reasonable doubt, and as this doubt may be so easily removed in the way stated, I hope for this purpose the bill will be withdrawn.

ROBT. E. PATTISON.

[VETO.]

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *May 29, 1885.*

To the Senate of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return without my approval Senate bill No. 64, entitled "An act to fix the number of Senators and Representatives in the General Assembly of the State and to apportion the State into Senatorial and Representative districts, as provided in the Constitution."

This bill is sent to me as a compliance with the Constitutional direction that the Legislature shall apportion the State into Senatorial and Representative districts. The bill in its title in part recognizes this Constitutional command. The provision of the fundamental law, however, not only directs the performance of this act, but also in unmistakable terms prescribes the time when it shall be performed. That time is declared to be immediately after each United States decennial census. Two successive General Assemblies since the census of 1880 absolutely refused to do their duty in this regard, and enacted no legislative apportionment. I recalled one of them into extra session for the purpose of obeying the direction of the law, but it adjourned without performing its solemn and sworn duty. By the time another General Assembly is elected, more than half a decade will have elapsed without the required apportionment, and we will be but three years from another census. The bill which I now return, therefore, while professing to be enacted as provided in the Constitution, does, in fact, by the late day at which it is received, recall the lamentable truth that the Constitutional command as to apportionment has for five years been a dead letter.

Waiving, however, any criticism as to the tardiness of legislation, let us measure its provisions by the rules of the Constitution, which it professes to execute. It has always been my desire, as the Executive of the State, to see the Constitution obeyed by the enactment of a valid and just apportionment. I would gladly have given my approval to such a measure had it been presented to me at the last regular session, and it was for this purpose that I called the extra session, but no bill of any kind was sent to me at either session. I would now experience a sense of profound satisfaction if this bill were within any reasonable limits of fairness and justness, so that I might, by affixing my signature, give it validity. Measuring it, however, solely by the rules for apportionment laid down by the Constitution, I am obliged to pronounce it a most glaring and unjustifiable infraction of every requirement of law. The framers of the Constitution, properly vigilant as to the representation of the people in their legislative government, laid down a clear and specific chart for the apportionment of the State. Distrusting the known tendencies of men actuated by party bias, or for other reasons of popular safety, they specified, with careful minuteness, rules and regulations for composing the General Assembly. They left little to the discretion of their representatives, but hedged their legislative government about with carefully devised precautions. These precautions were not difficult of ascertainment, and their reasonableness needs no defense. The sixteenth and seventeenth sections of Article II of the Constitution contain the several rules which the people have established and by which this bill must be measured. Considering, first, the Senatorial apportionment, section sixteen lays down the following rules, explicitly commanded, and about which there can be no doubt:

"The Senate shall be composed of fifty members.

"The districts shall be single and composed of compact and contiguous territory, and as nearly as may be equal in population.

"The Senatorial ratio shall be ascertained by dividing the whole population of the State by fifty.

"Each county containing one or more ratios shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio.

"No county shall form a separate district unless it contains four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators.

"No county shall be divided unless entitled to two or more Senators.

"No city or county shall be entitled separately to more than one-sixth of the whole number of Senators."

Let us apply these rules to the present bill.

First, the ratio of representation ascertained in the way pointed out by the fundamental law, to wit: By dividing the whole population by fifty —is eighty-five thousand six hundred and fifty-eight. This number of persons is thus made necessary by law for the election of a Senator, except in certain cases specifically mentioned. Of the fifty districts framed in the bill before me, twenty-six contain less than a ratio. Of these, eight have each less than four-fifths of a ratio and one less than three-fifths of a ratio. The city of Philadelphia is limited by the Constitution to eight Senators. Its population is almost ten full ratios. There is, therefore, no reason for a rule to warrant the construction of any district in that city less than a full ratio. This bill, however, gives a Senator to two districts in that city with less than the required population, to wit: The Fourth district, with

seventy-three thousand nine hundred and sixteen, or eleven thousand seven hundred and forty-two less than a ratio, and the Eighth district, with seventy-eight thousand and nineteen, being seven thousand six hundred and thirty-nine less than a ratio. Those two districts are not entitled under the law to elect a Senator, and they are thus formed without legal authority, and, indeed, in clear violation of law. This deficiency in these two districts is equally without necessity or legal sanction. The population of Philadelphia is ample to give a full ratio to each of the eight districts to which it is entitled, yet one is formed containing one hundred and thirty-five thousand eight hundred and twenty-one, and another with only seventy-three thousand nine hundred and sixteen. The apportionment of that city the Executive has no hesitation in declaring to be unconstitutional and unjust.

The county of Lancaster, whose population entitles it to two Senators because it has one full ratio and a surplus of more than three-fifths of a ratio, is divided into two districts, neither of which has a full ratio. A Constitutional division of the county would require one district to have a full ratio, and the other with over three fifths of a ratio which, under the law, would be entitled to a Senator.

In a number of instances, counties are joined together and given a Senator with less than a ratio of population. There is no Constitutional warrant for giving a Senator to any district containing less than four-fifths of a ratio except in one instance, and this exception only covers a county which is surrounded by other counties, each of which is entitled to be a separate district. In at least eight instances, districts are formed of two or more counties which contain less than four-fifths of a ratio and are not surrounded by separate districts, and in one instance, to wit: the Thirty-first district, less than three-fifths of a ratio is given a Senator. In all these cases, the principle of representation, as laid down by the Constitution, is entirely lost sight of and the necessity of a ratio to entitle to a Senator is continually overlooked. When the Constitution, in the sixteenth section of the second Article, established a Senatorial ratio and said how it should be ascertained, it meant something. The underlying thought of that section is that a Senator should be given only to a full ratio except in certain cases, and these exceptions are three in number, to wit:

Where a county has one or more ratios of a population and a surplus exceeding three-fifths of a ratio. Here this three-fifths is entitled to a Senator.

A county having four-fifths of a ratio may be made a separate district and given a Senator.

A county with less than four-fifths, but not more than half a ratio, surrounded by counties each of which is entitled to be a separate district may be assigned a Senator.

These three are the only exceptions to the undeviating rulo and clear reason and intention of the Constitution that a full ratio should be necessary to elect a Senator.

There are nineteen districts with less than a full ratio that do not fall within any of these exceptions, to wit:

The Fourth, Eighth, Ninth, Thirteenth, Fourteenth, Twenty-first, Twenty-second, Twenty-third, Twenty-fifth, Twenty-sixth, Twenty seventh, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-fourth, Thirty-sixth, Thirty-seventh, Thirty-eighth and Forty-eighth. Of these nineteen districts, as has been already noticed, seven are below the four-fifths and one below three-fifths of a ratio. The county of Delaware claims separate repre-

sentation under the clause of the Constitution which gives a Senator to a county with less than four-fifths and more than one-half of a ratio when surrounded by counties each of which is entitled to a Senator. But the county of Chester, which is one of the counties surrounding Delaware, is not entitled to a Senator, though the Legislature may give it one, and Delaware does not, therefore, come within the exception.

It would be unnecessary and tiresome work to further analyze this bill and point out its violations of the Constitutional rules. The districts conforming to the law are largely in a minority. The greater number are in conflict with the Constitutional canons of apportionment. It may well be asked what purpose has induced these violations of law and what is the result of these legal infractions. It is sufficiently explanatory to say that in Philadelphia the result has been to create seven out of the eight districts surely Republican in the political faith of their voters and only one Democratic. About one hundred thousand Republican voters can elect seven Senators and seventy-five thousand Democratic voters can elect only one Senator. The one Democratic district contains more than the required ratio; two of the Republican districts fall thousands below the ratio.

Throughout the whole State it will be found that the net result of the violation of the law is invariably to the advantage of Republican and against the interest of Democratic constituencies. The mind tires in contemplating injustice so uniform in its results and so steadily and flagrantly pursued. The complete result of all this inequality and violation of law is an apportionment with about two-thirds of the districts safely Republican. I would gladly, if possible, avoid this political reference, but the facts require it, and to do justice to the party which has distinguished me with its honors makes it a preëminent duty requiring no apology. Thus much for the sections of the bill relating to the Senatorial apportionment.

That part of the bill which apportions the State into Representative districts is also in violation of the Constitution. That instrument does not prescribe the exact number, as in the case of the Senate, of which the House of Representatives shall be composed. The ratio is to be "obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred." But it is clear that the number of Representatives will vary from time to time, according to the population in each county and the rules laid down for ascertaining the number to which each county may be entitled. The present House is composed of two hundred and one members. This bill increases the number to two hundred and four. But whilst this is true, the rules are clear and distinct as to the manner in which the apportionment shall be made.

The whole population of the State, as ascertained by the last United States census, is to be divided by two hundred. That process gives the ratio, and with no limit as to the number of Representatives, there is no possible excuse for forming any district with a less number than a ratio, except where it is in express words allowed. A district can only be composed of a less number than a full ratio in three instances:

First. A county containing less than five ratios shall have one Representative for every full ratio and an additional Representative when the surplus exceeds half a ratio.

Second. "Each county shall have at least one Representative," no matter what its population may be.

Third. Every city containing a population equal to a ratio shall elect

separately its proportion of the Representatives allotted to the county in which it is located.

It may so happen that in calculating this proportion a city will be entitled to a Representative for less than a ratio. Indeed, in the bill before me, the city of Harrisburg is given two Representatives upon one ratio and less than half a ratio.

These three cases form the exceptions, and the only exceptions, to the rule that each district shall contain a full ratio. For, although the rule is not thus expressed in plain words, it is undeniable that when certain instances are specified in which less than a ratio may be allowed to constitute a district, the conclusion is irresistible that in all other cases the full ratio is required. And it must be particularly observed in this connection that whilst in one clause the Constitution declares that "every county containing less than five ratios shall have one Representative for every full ratio, and an additional Representative when the surplus exceeds half a ratio," the very next sentence commands that every county containing five ratios or more shall have one Representative for every full ratio.

Governed by this standard, the apportionment to Philadelphia, in the present bill, seems to be a clear infraction of the Constitution. Dividing the population of the State by two hundred, the ratio obtained is twenty-one thousand four hundred and fourteen. Upon this basis, Philadelphia is entitled to thirty-nine members, with a surplus of eleven thousand eight hundred and thirty-four. That number is given to it in this bill, but instead of each district containing a full ratio, ten of the thirty-nine districts each contain less than a ratio. Apparently, no care has been taken to bring each district up to the measure fixed by the law. Other considerations manifestly have prevailed. It was entirely practicable to frame these districts in strict accordance with this requirement of the Constitution, but, in open and defiant disregard of it, the Third district contains eighteen thousand two hundred and seventy-four; the Fourth, eighteen thousand eight hundred and fifty-four; the Fifth, sixteen thousand three hundred and seventy-two; the Eighth, nineteen thousand five hundred and forty-seven; the Ninth, twelve thousand four hundred and eighty-one; the Eleventh, twelve thousand nine hundred and twenty-nine; the Thirteenth, eighteen thousand six hundred and forty-six; the Sixteenth, seventeen thousand eight hundred and two; the Seventeenth, twenty thousand four hundred and fifty-one, and the Twentieth, nineteen thousand six hundred and ninety-nine.

Another illustration of the disregard of Constitutional direction may be found in the disposition made of Berks county. Its population is one hundred and twenty-two thousand five hundred and ninety-seven. It comes, therefore, under the clause which says that "every county having over one hundred thousand inhabitants shall be divided into districts of compact and contiguous territory, each district to elect its proportion of Representatives according to its population." It has within its limits the city of Reading, containing a population of forty-three thousand two hundred and seventy-eight. The provision of the Constitution which declares "that every city containing a population equal to a ratio shall elect separately its proportion of Representatives allotted to the county in which it is located" applies to it. Berks county is entitled to five Representatives and the city of Reading to two of the five, to be elected separately from the rest of the county. But this bill divides the city into two districts, unequal in population, one containing twenty-six thousand one hundred and seventeen,

which is four thousand seven hundred and three above the ratio, and the other containing seventeen thousand one hundred and sixty-one, which is four thousand two hundred and fifty-three below it, making a difference in the two districts of eight thousand nine hundred and fifty-six. Can there be any other motive in this than to nullify the political majority in the city by carving out two districts, one of which or both may be carried by the manority?

These objections are, in my judgment, fatal to the bill, and I refrain from enumerating others which are equally strong.

The bill as an entirety presents so many clear violations of law, and is so evidently unfair and unjust, that I must decline to give it my approval. It is to be regretted that it has been sent to me at so late a day in the session. Five months have elapsed since the Legislature convened, and ordinary diligence, it seems to me, could have perfected this bill at least two months ago. In that case, there would have been ample time to have framed a new bill obviating the defects pointed out. As it is, I indulge the hope that by devoting itself diligently to this important and sworn duty, a just and fair opportionment may yet be enacted before the final adjournment. The people have a Constitutional right to be fairly and lawfully represented in their Legislature, and to longer deny them this right is to do violence to the most sacred guarantee of the organic law. It will be the pleasure of the Executive to facilitate the execution of the Constitution to the full extent of his power, but he will not give his approval to measures the enactment of which would deprive large classes of the people of their just share in the government of the State and strengthen the many at the expense of the few.

ROBT. E. PATTISON.

No. 11.

AN ACT

To organize and define the Congressional districts of Pennsylvania.

SECTION 1. *Be it enacted, &c.*, That for the purpose of electing representatives of the people of Pennsylvania to serve in the House of Representatives in the Congress of the United States, this State shall be divided into twenty-eight districts, as follows:

The First district shall consist of the First, Seventh, Twenty-sixth and Thirtieth wards of the city of Philadelphia.

The Second district shall consist of the Eighth, Ninth, Tenth, Thirteenth, Fourteenth and Twentieth wards of the city of Philadelphia.

The Third district shall consist of the Second, Third, Fourth, Fifth, Sixth, Eleventh, Twelfth and Sixteenth wards of the city of Philadelphia.

The Fourth district shall consist of the Fifteenth, and Twenty-fourth, Twenty-seventh, Twenty-eighth and Twenty-ninth wards of the city of Philadelphia.

The Fifth district shall consist of the Seventeenth, Eighteenth, Nineteenth and Thirty-first wards in the city of Philadelphia.

The Sixth district shall consist of the Twenty-first, Twenty-second, Twenty-third and Twenty-fifth wards in the city of Philadelphia.

The Seventh district shall consist of the counties of Bucks and Montgomery.

The Eighth district shall consist of the counties of Chester and Delaware.

The Ninth district shall consist of the county of Lancaster.

The Tenth district shall consist of the counties of Northampton, Monroe, Pike, Wayne and Carbon.

The Eleventh district shall consist of the counties of Berks and Lehigh.

The Twelfth district shall consist of the county of Luzerne.

The Thirteenth district shall consist of the counties of Lackawanna and Susquehanna.

The Fourteenth district shall consist of the counties of Dauphin, Lebanon and Perry.

The Fifteenth district shall consist of the county of Schuylkill.

The Sixteenth district shall consist of the counties of Bradford, Tioga, Wyoming and Potter.

The Seventeenth district shall consist of the counties of Adams, Cumberland and York.

The Eighteenth district shall consist of the counties of Franklin, Fulton, Huntingdon, Juniata, Mifflin, Snyder and Union.

The Nineteenth district shall consist of the counties of Bedford, Blair, Cambria and Somerset.

The Twentieth district shall consist of the counties of Clarion, Forest, Centre, Clearfield, Clinton and Elk.

The Twenty-first district shall consist of the counties of Fayette, Greene and Washington.

The Twenty-second district shall consist of all that portion of the city of Pittsburgh and all the boroughs and townships in Allegheny county lying between the Allegheny and Monongahela rivers, together with the boroughs of Millvale, Etna, Sharpsburg, and Tarentum and the townships of Richland, Hampton, Shaler, Ross, McCandless, Pine, West Deer, East Deer, Indiana, Harmer, O'Harra, Springdale, Fawn and Harrison in the county of Allegheny.

The Twenty-third district shal' consist of the city of Allegheny and all that portion of the city of Pittsburgh and the boroughs and townships of Allegheny county not included in the Twenty-second district.

The Twenty-fourth district shall consist of the counties of Columbia, Montour, Northumberland and Lycoming and Sullivan.

The Twenty-fifth district shall consist of the counties of Indiana, Jefferson, Westmoreland and Armstrong.

The Twenty-sixth district shall consist of the counties of Venango, Warren, McKean and Cameron.

The Twenty-seventh district shall consist of the counties of Crawford and Erie.

The Twenty-eighth district shall consist of the counties of Beaver, Lawrence, Butler and Mercer.

SECTION 2. The judges of the Seventh district shall meet at the court-house in the borough of Norristown in the county of Montgomery.

The judges of the Eighth district shall meet at the court-house in the borough of West Chester in the county of Chester.

The judges of the Ninth district shall meet at the court-house in the city of Lancaster in the county of Lancaster.

The judges of the Tenth district shall meet at the court-house in the borough of Easton in the county of Northampton.

The judges of the Eleventh district shall meet at the court-house in the city of Reading in the county of Berks.

The judges of the Twelfth district shall meet at the court-house in the city of Wilkes-Barre in the county of Luzerne.

The judges of the Thirteenth district shall meet at the court-house in the city of Scranton in the county of Lackawanna.

The judges of the Fourteenth district shall meet at the court-house in the city of Harrisburg in the county of Dauphin.

The judges of the Fifteenth district shall meet at the court-house in the borough of Pottsville in the county of Schuylkill.

The judges of the Sixteenth district shall meet at the court-house in Towanda in the county of Bradford.

The judges of the Seventeenth district shall meet at the court-house in York in the county of York.

The judges of the Eighteenth district shall meet at the court-house in Mifflintown in the county of Juniata.

The judges of the Nineteenth district shall meet at the court-house in Bedford in the county of Bedford.

The judges of the Twentieth district shall meet at the court-house in Bellefonte in the county of Centre.

The judges of the Twenty-first district shall meet at the court-house in Uniontown in the county of Fayette.

The judges of the Twenty-fourth district shall meet at the court-house in the city of Williamsport in the county of Lycoming.

The judges of the Twenty-fifth district shall meet at the court-house in Indiana in the county of Indiana.

The judges of the Twenty-sixth district shall meet at the court-house in Franklin in the county of Venango.

The judges of the Twenty-seventh district shall meet at the court-house in Meadville in the county of Crawford.

The judges of the Twenty-eighth district shall meet at the court-house in the city of New Castle in the county of Lawrence.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *May 29, 1885.*

To the Senate of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return with my objections Senate bill No. 73, entitled "An act to organize and define the Congressional districts of Pennsylvania."

The act of Congress of February 25, 1882, fixes the number of Representatives to which Pennsylvania shall be entitled in the Federal Congress at twenty-eight. It provides also that these twenty-eight Representatives "shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants," and that no district shall elect more than one Representative. It will thus be seen that the law lays down three rules to be observed in the formation of Congressional districts, to wit: that the districts shall be single, that they shall

be composed of contiguous territory, and that they shall be, as far as is practicable, equal in population. To these rules there is to be added another, arising from the spirit of our State Constitution upon the subject of apportionment, and from the accepted principles of fairness and public convenience, and that is that the districts shall be formed of territory that shall be reasonably compact as well as contiguous. All of these requirements are important, some are vital. A bill which transgresses any of them at once challenges investigation, and unless the transgression is shown to have been indispensable and for the purpose of securing some essential principle of fairness and justness, the bill should not become a law. Of these rules, the one requiring single districts is a purely arbitrary direction of the Federal Congress, and has been followed in the bill before me. The rules as to the territory being contiguous and compact are founded in reasons of public convenience, and are intended to prevent political injustice and sinister designs in the detachment of territory. The direction that the population of the districts shall be as nearly equal as practicable contains the vital principle of popular representation, underlies the theory of our institutions, and is as the breath of our liberties.

The bill herewith returned violates each of the last two rules in the most open, flagrant and unjustifiable manner. It abounds in injustice and is built upon contemptuous illegality. Proceeding in an undeviating purpose of unfairness, it disfranchises hundreds of thousands of our people to give unlawful power to others. It over-rides in the relentlessness of its manifest purpose alike the plain dictates of common justice and the clear commands of the law. The startling fact to the mind of the Executive is that so little effort has been made to cloak the nakedness of its enormities.

In illustrating the defects of a measure where so many exist, it is difficult to know what to select and what to omit. A statement of a few of the more typical and conspicuous wrongs perpetrated by the bill will sufficiently show its unfair and illegal nature. A full statement in detail would unnecessarily lengthen this communication.

Dividing the whole population of Pennsylvania by twenty-eight, the number of Congressmen to which the State is entitled, we obtain one hundred and fifty-two thousand nine hundred and sixty as the rat o for each Congressional district. The law thus fixing this as the number of people entitled to elect a representative in Congress, and bearing in mind the command that the districts shall be, as nearly as possible, equal in population, let us see how the framers of this bill have observed the legal rules laid down for their guidance.

Of the twenty-eight districts formed by this bill, the population of a majority, or fifteen of them, falls below the ratio. The total deficiency of population in these fifteen districts is two hundred and eighty-six thousand eight hundred and twenty-three, or more than fifty thousand in excess of population in the Sixth and Twenty-sixth districts, which are each given a Congressman, and very nearly equal to two full ratios. The largest district in point of numbers is the Twenty-fifth, which contains one hundred and ninety-four thousand one hundred and forty-nine, or forty-one thousand one hundred and eighty-nine more than a ratio. The smallest district is the Sixth, which contains one hundred and fourteen thousand two hundred and forty-nine, or thirty-eight thousand seven hundred and eleven less than a ratio. The difference between these two districts is seventy-nine thousand nine hundred, or more than one-half of a full ratio. The average deficiency in the fifteen districts named is nineteen thousand one hun-

dred and twenty-one. Six of the districts are each more than ten thousand below the ratio; three more than fifteen thousand; two more than twenty thousand; one more than twenty-five thousand; one more than thirty thousand, and one more thirty-five thousand below.

The average excess in the thirteen districts above the ratio is twenty-two thousand and seventy-four. Seven are each over ten thousand above; one over fifteen thousand; one over twenty-five thousand; one over thirty thousand; two each over thirty-five thousand, and one over forty thousand above. The total excess in these thirteen districts, representing the number of people virtually disfranchised therein, is two hundred and eighty-six thousand nine hundred and sixty-two, or nearly two full ratios. The average population of the fifteen defective districts is one hundred and thirty-three thousand eight hundred and thirty-nine, and the average population of the thirteen districts in excess is one hundred and seventy-five thousand and thirty-four, thus making the average disparity in the two classes of districts forty-one thousand one hundred and ninety-five.

The Fifth, Sixth, Twelfth, Thirteenth, Fifteenth and Twenty-sixth districts together contain ten thousand less than five ratios, and yet are given six Congressmen, while the Fourth, Eleventh, Twenty-second, Twenty-fifth and Twenty-eighth districts contain over six full ratios, and are given only five Congressmen. That is to say, it requires six ratios of people in one section to elect five Representatives, while five ratios only are required in another section to elect six Representatives. In other words, the greater mass of people are deprived of a Congressman to which they are entitled to give a less number of people a Congressman to which they are not entitled.

There are five districts, each of which contains over one hundred and eighty thousand, and five of each containing less than one hundred and thirty thousand.

Philadelphia has one district with over one hundred and ninety-two thousand, and right along side of and touching this is another with less than one hundred and fifteen thousand.

The Twenty-fifth district, composed of the counties of Indiana, Jefferson, Westmoreland and Armstrong, contains over one hundred and ninety-four thousand, while the Twenty-sixth district, immediately adjacent, contains less one hundred and twenty thousand.

These are a few of the conspicuous inequalities of the bill, framed under the law of Congress, which commands that districts shall, as nearly as practicable, be equal in population.

Finding these inconsistencies and infractions of the law pervading the measure so generally as not to admit of the belief that they were accidental, the Executive naturally sought by further study of its details to ascertain, if possible, the theory upon which it was framed and the object sought to be attained by its manifest and persistent inequalities. This theory and object it was not difficult to discover. They appear in every clause and disfigure every enactment of the bill. They obtrude themselves so plainly upon the attention of the Executive that it would be the merest affectation to pretend not to see them and properly animadvert upon them. It is impossible to give the most cursory investigation to the bill without seeing that its main, if not its sole, purpose is to deprive the citizens of one political faith of their just numerical representation in the Federal Congress in order unlawfully and unjustly to increase the power and representation of their political opponents. It will require but a brief statement to show

all fair-minded men that the Democratic citizens of the State, the equals in the eyes of the law to any other citizens, and entitled to equal voice and right in the affairs of government, are by this bill wrongfully and shamefully deprived of a large part of their lawful share of representation in the Federal Councils. Reluctant as the Executive is to introduce a political discussion into a paper of this nature, he yet feels that it is his duty to lay open to the eyes of the people the great wrong attempted by this bill against those citizens with whom he holds a common political faith, and, if possible, to prevent consummation of the outrage.

It is only necessary to state the facts and the enormity becomes at once apparent.

Of the twenty-eight districts, eighteen are surely Republican, seven are Democratic, and three may be classed as doubtful, though of these three, one is at present, and has been for years, represented by a Republican, and the other two have been carried as often in the last decade by that party as by any other. Regarding these districts, however, as doubtful, the bill gives eighteen Republican and seven Democratic districts. How has this result been attained? If it had been reached by observing the directions of the law, or by the accidents of local situation, no one could have complained. It would have been the fortune of the gainers. But it has been arrived at only by persistent and defiant over-riding of all laws and rules governing the subject, and the injustice stopped only when it was physically impossible by greater illegality to commit greater wrong.

Of the eighteen Republican districts, eleven are below the ratio of representation, which happens to be the exact number of Republican over Democratic districts. The total deficiency in these eleven Republican districts is two hundred and eighteen thousand one hundred and thirty-nine. Seven Republican districts are above the ratio. Of the seven Democratic districts, but two are below the ratio, while five are above it. The average population of the seven Democratic districts is one hundred and sixty-one thousand seven hundred and forty-six, or over eight thousand above the ratio, and of the eighteen Republican districts one hundred and fifty-one thousand two hundred and fifty-six, a less number than the ratio. That is to say, it requires an average of ten thousand four hundred and ninety-three more people to elect a Congressman in a Democratic district than in a Republican district.

In the city of Philadelphia, the Sixth district is created giving a Republican majority of over four thousand, with a population of only one hundred and fourteen thousand two hundred and forty-nine, or thirty-eight thousand seven hundred and eleven below the ratio; while the Democratic county of Berks, at present a separate district, and containing over eight thousand more than the entire Sixth district, is joined to Lehigh, another Democratic county, making a district thirty-five thousand six hundred and eight in excess of the ratio, and giving a Democratic majority of over ten thousand.

In the same way, the county of Schuylkill, at present a Republican district, is permitted separately to elect a Congressman, with a population of twenty-two thousand nine hundred and eighty-three less than a ratio; while right adjoining it, the Tenth district is created by heaping together five Democratic counties twelve thousand six hundred and twenty-six in excess of a ratio, giving seven thousand Democratic majority.

In the county of Philadelphia, ingenuity and illegality seem to have been exhausted in the effort to do injustice to the Democratic citizens of

that section. Six districts are given to that city, five of which are surely Republican and one overwhelmingly Democratic. This has been done by massing together into the Third district, in a narrow strip along the Delaware, seven of the eight Democratic wards of that city, making a district of excessive Democratic majority, and leaving the rest of the city free to be divided into five equal certain Republican districts. Of the six Philadelphia districts, five are below the ratio and one above it. The Sixth is thirty-eight thousand seven hundred and eleven below and the Fourth is thirty-nine thousand five hundred and forty above, making a difference in these two alone of seventy-eight thousand two hundred and fifty-one. In the five defective districts, the deficiency amounts to one hundred and ten thousand one hundred and twenty-eight. For what other purpose can such inequalities and distortions have been devised except to give five Congressmen to one hundred thousand Republican voters of that city and but one Congressman to the seventy-five thousand Democratic voters?

Instances might be multipled throughout the bill where similarly Democratic counties are submerged in large Republican districts, or massed together into one district so as to destroy their proper distributive weight. Districts are misshapen and inaccessible, unequal and incongruous; no regard whatever is paid to any established rule of law or principle of justice; favors are bestowed and enemies are punished, and all these departures from right and law always have the same result of increasing the political power of Republican at the expense of Democratic constituencies.

To such a bill I am asked to give my approval. Anxious as I am to see the law obeyed by an apportionment of the State, I will not sanction a measure which trangresses the law and attempts to fix a glaring and indefensible injustice upon a large part of the people. The Republican party in this State does not need such a measure as this to secure to it whatever preponderance it is entitled to in the Federal Congress. It has no need to call to its aid injustice and defiance of the law to give it its due. The great body of citizens belonging to that party, I am sure, do not ask and would not countenance such a wrong. On the other hand, I feel it to be my duty, as the Executive of the whole people and in support of the rights of all of them, to prevent, so far as I can, an act of injustice, which at this time is aimed at the citizens of Democratic faith. Should this wrong now succeed, it is not unlikely that in the inevitable revolutions that are constantly occurring in our political history, it may in the future be used as an argument and example for inflicting a like injury and injustice upon the party whose representatives in the Legislature seek to perpetuate this wrong. In the interests, therefore, of the dearest rights of all citizens and because this bill violates the plainest principles of common justice and the clear command of law, I withhold my approval.

ROBT. E. PATTISON.

No. 12.

AN ACT

To authorize cities of the first class to borrow money for increasing the water supply of such cities.

SECTION 1. *Be it enacted, &c.*, That the councils of any city of the first class shall be and they are hereby, authorized to borrow any sum not ex-

ceeding three millions of dollars for the purpose of increasing the water supply of such city, by the completion and construction of reservoirs, and increasing the number and capacity of pipes for the distribution of water. The certificates to be issued for the amount so borrowed shall be in sums of one hundred dollars or any multiple thereof, and be payable in lawful money of the United States, and bear interest at a rate not exceeding three and one-half per centum per annum. One thirtieth of the amount so borrowed shall be payable annually, and the councils of such city shall, at or before the authorizing of such loan, provide for the collection of an annual tax sufficient to pay the annual interest on, and also the annual installment of, the principal of such loan. The certificates of such loan shall be in series, in such form and be transferable in such manner as the councils shall ordain, and any taxes which may be lawfully imposed on the principal or interest of such loan shall be paid by the city borrowing the same: *Provided*, That the amount that may be borrowed under this act shall not exceed one per centum upon the assessed value of the taxable property of such city: *And provided further*, That not more than one million five hundred thousand dollars shall be borrowed in any one year nor negotiated at less than par.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT,
HARRISBURG, *June 1, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return without my approval House bill No. 604, entitled "An act to authorize cities of the first class to borrow money for increasing the water supply of such cities."

This bill, which is intended to apply to the city of Philadelphia, authorizes that municipality to increase its indebtedness for the purpose of enlarging its water supply by borrowing money to the amount of three million dollars. One million five hundred thousand dollars may be borrowed each year for two years. The interest to be paid is limited to three and a half per centum, and one thirtieth of the said loan, or one hundred thousand dollars, is to be paid yearly. The necessity for the passage of this act arises from the fact that the debt of Philadelphia is already greater than the amount permitted by the fundamental law. The Constitution, in article nine, section six, provides that "the debt of any county, city, borough, township, school-district, or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein." The present debt of Philadelphia is above sixty-four million dollars, and more than twenty million dollars in excess of seven per centum of the assessed value of its taxable property. At the time of the adoption of the Constitution, likewise, the debt of the city was in excess of the limited amount. To provide for cities whose debt at that time was in such condition, the section of the organic law above referred to contains this further provision: "But any city the debt of which now exceeds seven per centum of such assessed valution may be authorized to increase the same three per centum in the aggregate at any one time upon such valuation." The present bill has been passed

under the belief that its enactment is permitted by this authorization. Without now discussing whether it is warranted by that provision, I decline to give the measure my approval because I regard it as unwise and dangerous financial legislation.

The subject of the government of cities occupied a large share of the attention of the framers of the Constitution. They, in common with all observers, were convinced of the necessity of applying some inflexible restraints upon the debt-contracting power of municipalities. The evils of unlimited credit were to be seen everywhere throughout the country in cities staggering under enormous debts, and the consequent extravagance and corruption, and ruinous taxation of property. Our own State presented numerous illustrations of these abuses, and the condition of Philadelphia was a conspicuous example. As barriers to the further extension of these evils, various provisions were inserted in the Constitution, and among others the absolute restriction that the debt of a city should never exceed seven per centum upon the assessed value of its taxable property, except in certain specified cases. The underlying intention of this, as of all the restrictive clauses of the organic law, was to oblige cities to live within their income. As to Philadelphia, still more stringent checks were afterwards thought to be necessary, and in 1879 an act was passed imposing additional regulations and restraints upon the financial management of that city. This act is popularly known as the "pay-as-you-go" law, and contains numerous provisions as to taxation and expenditure, and the creation of indebtedness, all intended to prevent the city from contracting any obligations without having the money for their immediate liquidation, requiring it to make ample provision beforehand for any possible outlay, and rendering the occurring of a deficiency in its yearly account of income and expense almost impossible.

Under the operation of the wholesome provisions of this act, the financial condition of Philadelphia has visibly and continually improved. Her debt has been gradually diminished, her taxes have decreased and been better collected, and her entire fiscal system has been placed upon a sounder and more secure basis. The present Executive, during his official connection with the financial government of the municipality, had ample opportunity to observe and admire the salutary effect of that act and its enforcement of the "pay-as-you-go" policy.

The bill now under consideration is a radical departure from the principle of the act of 1879, and is a step backward to the pernicious credit system that formerly prevailed—a credit system that involved the city, from 1868 to 1873, in a bonded debt of twenty-one millions of dollars, five million seven hunded thousand of which was for the very purpose contemplated by the act now before the Executive. It is hostile to the entire underlying spirit of the act of 1879 and to the intent of the Constitutional restrictions above cited. It is unwise, and unnecessary as well. If the bill should become a law, the citizens would be taxed for the payment of the interest for the first year one hundred and five thousand dollars, and for the payment of principal one hundred thousand dollars; and each year thereafter, for twenty-nine years, one hundred thousand dollars, for the payment of principal and like interest, yearly diminishing three thousand five hundred dollars, would have to be raised. In the entire thirty years, which the loan would run, there would have to be raised by taxation, and paid in interest, over one million six hundred thousand dollars. Is this wise financiering for a debt-burdened and tax-ridden city?

Granted, as is admitted on every hand, that the improvement in the water supply is needed, yet how much better and more economical in every way it would be, following the "pay-as-you-go" principle of the act of 1879, to raise yearly, by taxation, such reasonable amount as would be needed to prosecute the work with reasonable speed, and thus avoid altogether the creation of more debt and save a large expenditure of interent. Such a course would not much more than double the amount that would have to be raised by taxation should the loan be authorized; for, as has been shown in that case, two hundred and five thousand dollars would have to be raised the first year, and a like sum, yearly diminishing three thousand five hundred dollars, for each year for twenty-nine years thereafter. By raising directly by taxation a half million yearly, the whole work could be completed in six years, and no debt created and the interest saved, while the burden would be very little more felt than under the proposed thirty-year loan. For the payment of the first year's installment of the loan and interest, there would have to be at least four cents added to the tax rate; while an addition of only nine cents to the rate, would produce a half million dollars yearly, and in six years complete the work without creating any loans. Is not the last the wisest plan? But it may not be necessary to raise even that sum; for many very thoughtful and well-informed men connected with the government of the city believe that in a short while there will be available, from maturing resources, over a million and a half of money. If this be true, (and the Executive's knowledge of the affairs of the city makes him believe it is,) then an additional and insurmountable reason exists against the enactment of this bill. If that expectation, however, should not be realized, it is still most unwise and dangerous, by the passage of this bill, to halt the city of Philadelphia in its present healthful financial management, and its progress towards a less burdensome fiscal condition. A return to the credit system and increased indebtedness is a thing to be deplored and avoided by all possible means. The precedent the bill would establish would be of evil example, and, it is to be feared, would prove, in its departure from a sound policy, but the entrance wedge to further and greater evils. It is doubtful if, in the prosecution of the improvement contemplated, more than seven hundred and fifty thousand dollars could be properly, or ought to be, spent yearly. Nevertheless, if this bill should become a law, a large part of the entire three million dollars would lie idle and unused in banks, while the city would continue to pay interest thereon.

For the reasons above set forth, therefore, I decline to give this measure my approval.

The suggestion is also made to the General Assembly that it is doubtful whether this bill can lawfully be passed under section 6 of Article IX of the Constitution, or if it can, whether, before the indebtedness is created, it is not necessary to obtain the assent of the electors at a public election. The last clause of that section would seem to bear the interpretation that for cities whose debt then exceeded seven per centum an authorization to increase a further three per cent. was permitted, but that such authorization could only be given once, or "at any one time." If this is not true, then we have the anomaly that cities whose debt then exceeded seven per centum, might be indefinitely, from time to time, authorized to increase their debt three per centum, but those whose debt was not then but afterwards reached seven per centum could never be authorized to increase above that amount. This would give rise to the inconsistency that

the greater the debt the greater ought to be the liberty to increase it. Surely, this could not have been the meaning of the framers of the law, and if it were not, then, as Philadelphia has been already authorized to increase her debt, and did so increase it under the act of May 23, 1874, the present bill cannot lawfully give her any further right to increase.

But even if this difficulty is overcome, and the authority to permit the increase is admitted, still must it not be done only with the assent of the electors at a public election? The language of the section on this point is very sweeping and absolute, to wit: "Nor shall any such municipality or district incur any new debt or increase its indebtedness to an amount exceeding two per centum, &c., without the assent of the electors thereof at a public election." If this applies to cities whose debt was then under seven per centum, why should it not apply to those whose debt was over that amount? The concluding clause, giving authority to allow the debt of those over the limit to be increased three per centum, was necessary, because otherwise they could not have increased it to any amount, either with or without an election. Did the concluding clause, therefore, do more than merely allow the increase to be made subject, as in the case of all other cities, to the general provision regarding the assent of the electors? It will be difficult to answer that it did without convicting the framers of the section of an inconsistent application of their principle. The thought is well worth reflection. If an election is necessary under the section, then this bill would fall, as it makes no provision for such ascertainment of the will of the electors.

ROBT. E. PATTISON.

No. 13.

CONCURRENT RESOLUTION.

IN THE SENATE, *May 22, 1885.*

WHEREAS, Under the act approved June 1, 1883, providing for the appointment by the Governor of a commissioner to revise the anthracite mine laws of the Commonwealth, the sum of fifteen hundred dollars was appropriated to pay the compensation of the miners on said commission, but no provision was made for the printing and other necessary expenses;

And whereas, There remains, after paying the miners' compensation, an unexpended balance of four hundred and eighty dollars; therefore,

Be it resolved, (the House concurring,) That the Auditor General be, and he is hereby, authorized to draw his warrant upon said unexpended balance for the payment of such printing and other expenses of the commission as shall be certified to by the chairman of said commission.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 3, 1885.*

To the Senate of the Commonwealth of Pennsylvania:

GENTLEMEN: I herewith return, without my signature, the concurrent resolution of the Senate, adopted May 22, and in the House, May 25, 1885, providing that the unexpended balance of the fifteen hundred dollars

appropriated by the act of June 1, 1883, to pay the compensation of the miners appointed on the commission to revise the anthracite mine laws, may be used to pay the printing and other expenses of said commission.

The act of June 1, 1883, appropriated fifteen hundred dollars for the payment of the compensation of the miners on the anthracite commission. That sum was, therefore, dedicated by law to the purpose named. The object of this resolution is to change that dedication and appropriate an unexpended balance of the sum for another purpose. This can not lawfully be done by a resolution. An act of Assembly can not be changed or amended by a resolution, and by Section 17 of Article III of the Constitution no money can be paid out of the treasury except upon an appropriation made by law. A resolution is not a law, for, under the Constitution, no law can be passed except by bill, which must pass through certain processes of readings on separate days, printing, &c. The resolution now returned meets none of these requirements, and is fatally defective for the purpose intended to be accomplished. For these reasons I return it without my approval. The sum involved is not a large one, but the principle at stake is of the first importance.

ROBT. E. PATTISON.

No. 14.

AN ACT

Regulating the allowance of sheriffs for boarding prisoners.

SECTION 1. *Be it enacted, &c.*, That the sheriffs of the several counties of this Commonwealth to whom are committed the custody of prisoners shall hereafter receive such allowance for boarding said prisoners as may be fixed by the courts of quarter sessions of the respective counties, not exceeding fifty cents per day for each prisoner.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS. H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 3, 1885.*

To the House of Representatives of the Commonwealth of Pennsylvania:

GENTLEMEN: I return herewith, without my approval, House bill No. 619, entitled "An act regulating the allowance of sheriffs for boarding prisoners."

This bill allows the courts to fix the compensation of sheriffs for boarding prisoners at the maximum sum of fifty cents a day for each prisoner. While this may seem a small matter, it is, in fact, a very serious and important one, and of very considerable magnitude when considered in its effect throughout the entire State.

The act of April 11, 1856, authorized the courts to fix the allowance for boarding prisoners for all counties, except Philadelphia and Allegheny, at

a sum not exceeding twenty-five cents a day. Special laws were afterwards passed for a number of counties, but, except in such cases, the act of 1856 is at present the law. The sums now fixed in the several counties vary in amount; some, as in Chester, being as low as a fraction less than nine cents a day. Montgomery is nineteen cents, Philadelphia twenty cents, and Lehigh fourteen and a half cents. A few of the counties pay as high as fifty cents, and two more than that sum. By far the larger number, however, pay twenty-five cents or under. This bill would allow the compensation in all counties to be fixed as high as fifty cents, which, I believe, would be an excessive sum. The cost of living has been diminishing, rather than increasing, during a number of years, and I do not know of any reason justifying the increase this bill would permit. How burdensome it might prove in many counties will be perceived when it is stated that in quite a number, and these not containing large cities, the monthly cost of maintaining prisoners exceeds three thousand dollars. It may be further stated, also, that at the last State encampment of the militia the cost of maintaining the men was only seventeen cents a day. If soldiers could be kept for this sum, why should prisoners cost fifty cents?

ROBT. E. PATTISON.

No. 15.

A FURTHER SUPPLEMENT

To an act entitled "An act granting a pension to Jacob Hurst," passed March twenty-seventh, Anno Domini one thousand eight hundred and sixty-six.

SECTION 1. *Be it enacted, &c.*, That the State Treasurer is hereby directed to pay to said Jacob Hurst, late private in company I, commanded by Captain F. S. Boas, in the Twentieth regiment, Pennsylvania militia, commanded by Colonel W. B. Thomas, an increased pension at the rate of thirty dollars per month, commencing from the first day of January, Anno Domini one thousand eight hundred and eighty-five, and to continue for his natural life, or until such time as he shall receive or be entitled to a pension from the United States.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 4, 1885.*

To the Honorable the House of Representatives of Pennsylvania:

GENTLEMEN: I herewith return, without my approval, House bill No. 242, entitled "A further supplement to an act entitled 'An act granting a pension to Jacob Hurst,' passed March 27, A. D. 1866."

Jacob Hurst, the beneficiary of this act, while with his company, which had been called out by the Governor in September, 1862, was injured in the right arm by a collision of cars on the railroad in going from Greencas-

tle to Harrisburg. The injuries were such as to afterwards require amputation of the arm. By the act of March 27, 1866, he was granted a pension of eight dollars per month, to continue for five years. By a supplement to said act, passed June 26, of the same year, the five years' limitation was repealed, and it was directed that the pension should continue during all the term of Jacob Hurst's natural life. For nineteen years, therefore, since 1866, he has been receiving eight dollars a month from the State. The present bill further increases his pension to thirty dollars a month for his natural life. This soldier, it will be observed, is not entitled under the liberal laws of the United States to a pension from the general Government. His injuries were not received in actual military service, but in a railroad collision. Under the high emotions of patriotism that actuated the General Assembly of 1866, just following the close of the war, eight dollars a month was considered a sufficient bounty for this State to award him, and at first even that was limited to five years. Now, after this sum had been for two decades regarded as sufficient for this Commonwealth to pay him, during which time the United States have not been brought to regard his case as meritorious, it is proposed to give him thirty dollars a month for life. No adequate reason has been furnished for taking this case out of the general rule or changing the sum acquiesced in for so long a period.

ROBT. E. PATTISON.

No. 16.

AN ACT

For the relief of certain officers, clerks, and employees of the Senate and House of Representatives of the Commonwealth of Pennsylvania of the session of one thousand eight hundred and eighty-three.

SECTION 1. *Be it enacted, &c.*, That out of any moneys in the State treasury not otherwise appropriated, there is appropriated to pay the officers, clerks, and employés of the Senate, who received no pay for the last fifty-six days of the regular sessions of the said Senate during the year one thousand eight hundred and eighty-three, in payment of said services, the following amounts, to wit:

The sum of thirteen hundred and forty-four dollars to pay the sergeant-at-arms of the Senate and two assistants.

The sum of one thousand and eight dollars to pay the doorkeeper of the Senate and his two assistants.

The sum of one thousand and eight dollars to pay three janitors of said Senate.

The sum of four thousand five hundred and thirty-six dollars to pay the several clerks of the Senate.

The sum of two thousand and sixteen dollars to pay the pasters and folders.

The sum of four hundred and forty-eight dollars to pay the postmaster of the Senate.

The sum of three hundred and thirty-six dollars to pay one fireman.

The sum of three hundred and thirty-six dollars to pay one superintendent of folding-room.

The sum of six hundred and seventy-two dollars to pay two messengers.

The sum of four hundred and forty-eight dollars to pay the librarian.

The sum of four hundred and forty-eight dollars to pay the clerk of the President *pro tempore* of the Senate.

The sum of three hundred and thirty-six dollars to pay the fireman of the basement.

And the further sum of one hundred and sixty-eight dollars to pay the chaplain.

SECTION 2. That the following sums be, and the same are hereby, appropriated out of like moneys for the like officers of the House of Representatives, as follows:

The sum of seventeen hundred and ninety-two dollars to pay the sergeant-at-arms and three assistants.

The sum of thirteen hundred and fifty-four dollars to pay one doorkeeper and three assistants.

The sum of five thousand six hundred and fifty-six dollars to pay the several clerks of the House of Representatives.

The sum of eight hundred and ninety-six dollars to pay one postmaster and his assistant.

The sum of six hundred and seventy-two dollars to pay two messengers.

The sum of one thousand and eight dollars to pay three janitors.

The sum of sixteen hundred and eighty dollars to pay five pasters and folders.

The sum of three hundred and thirty-six dollars to pay the superintendent of folding-room.

The sum of one hundred and sixty-eight dollars to pay the chaplain.

The sum of three hundred and thirty-six dollars to pay one fireman of basement.

And the further sum of three hundred and thirty-six dollars to pay one engineer of Senate and House, jointly.

SECTION 3. The said sums to be paid to the persons entitled thereto by warrants issued by the Auditor General upon bills approved by the President *pro tempore* and clerk of the Senate and the speaker and clerk of the House of Representatives respectively.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 9, 1885.*

To the House of Representatives of Pennsylvania:

GENTLEMEN: I herewith return without my approval House bill No. 225, entitled "An act for the relief of certain officers, clerks, and employés of the Senate and House of Representatives of the Commonwealth of Pennsylvania of the session of 1883."

This bill appropriates various sums, aggregating over twenty-seven thousand dollars, to the officers and employés of the Senate and House of the regular session of 1883, for the last fifty-six days of said session. These items were contained in the general appropriation bill of 1883, but received Executive disapproval.

This bill begins with the assertion that the officers and employés named received "no pay" for the last fifty-six days of the session at which they served. This is an error. They each and all received their full and lawful pay to the last penny for every day of that session. The additional compensation provided for in this bill is as void of legal authority as though it was in terms stated to be a voluntary gift. It is so in fact whatever phraseology may be used for its designation. No legal proposition could be clearer than that raised by the measure herewith returned.

The authority for the existence of the officers and employés named in this bill is to be found in the act of May 11, 1874. That act fixed their number, duties, and compensation. It is a carefully drawn and perfectly clear statute. Its meaning is as undoubted as its language is apt for conveying that meaning. The words used in fixing the compensation of the officers and employés authorized by it are plain and unequivocal English terms, understood by all men alike, and about which there is no doubt, and ought to be no dispute. It directs that certain of the officers named in this bill shall receive a salary of a fixed and definite sum "per annum," and the others a salary of a fixed and definite sum "for each regular session," and declares that the salaries thus fixed "shall cover all services rendered by them at regular or adjourned sessions and during the recess." These sums each of these officers has received from the State. The act further provides that "no greater or other compensation or allowance than that provided by this act shall be voted by either House to any officer thereof for services performed at any session." Is it possible to raise any dispute about the meaning of these provisions, or could any language be used that would more strongly and clearly designate the compensation of these officials? Yet, in the face of these prohibitions against extra allowances, this bill gives to each of the officers whose salaries are thus fixed additional compensation.

The excuse for this bill is that as the session of 1883 exceeded one hundred days in length, therefore, for each of the fifty-six days over the hundred additional, *pro rata* pay, based upon the salaries, should be given to each officer. There is nothing in the act to warrant a construction so shallow, and every word and letter of its provisions as to the compensation of the officers prohibit such a conclusion, as to many of them the pay is designated at a fixed sum *per annum*. Can there be any doubt as to what "*per annum*" means? Is argument needed to prove that it means a whole year? Will this Legislature undertake solemnly to enact that *per annum* means a hundred days only? The pay of the other officers covered by the bill is fixed at a round sum for "each regular session," which the law declares shall cover all services rendered by them at the session or during the recess, and the Legislature is by the act prohibited from giving any greater or other compensation. Does it require the citation of authorities to prove that a part of a session is not a whole session? The Legislature of 1883 held only one regular session in 1883, lasting one hundred and fifty-six days. Will the law-making power now seriously declare by statute that it held more than one regular session? It is useless to pursue the investigation into the legal objections to this bill. I content myself with briefly stating the specific provisions of law that it violates:

First. The bill is in conflict with the provisions of the act of May 11, 1874, prohibiting the granting of any greater or other compensation than that therein named to any officer or employé.

Second. The bill conflicts with section 11 of Article III of the Con-

stitution, which is in these words: "No bill shall be passed giving any extra compensation to any public officer, servant, employé, agent, or contractor after services shall have been rendered or contract made, nor providing for the pay of any claim against the Commonwealth without previous authority of law."

Third. The bill conflicts with section 13 of Article III of the Constitution, which provides that "no law shall extend the term of any public officer or increase or diminish his salary or emoluments after his election or appointment."

ROBT. E. PATTISON.

We do certify that the bill entitled "An act for the relief of certain officers, clerks, and employés of the Senate and House of Representatives of the Commonwealth of Pennsylvania of the session of 1883," which has been disapproved by the Governor and returned with his objections to the House of Representatives in which it originated, was passed by two-thirds of the House of Representatives on the ninth day of June, one thousand eight hundred and eighty-five, and the foregoing is the act so passed by the House.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
GEO. PEARSON,
Clerk of the House of Representatives.

HARRISBURG, PA., *June 10, A. D. 1885.*

We do certify that the bill entitled "An act for the relief of certain officers, clerks, and employés of the Senate and House of Representatives of the Commonwealth of Pennsylvania of the session of 1883," which has been disapproved by the Governor and returned with his objections to the House of Representatives in which it originated, was passed by two-thirds of the Senate on the tenth day of June, one thousand eight hundred and eighty-five, and the foregoing is the act so passed by the Senate.

AMOS H. MYLIN,
President pro tem. of the Senate.
THOS. B. COCHRAN,
Chief Clerk of the Senate.

HARRISBURG, PA., *June 10, A. D. 1885.*

No. 17.

AN ACT

To provide for the ordinary expenses of the executive, judicial and legislative departments of the Commonwealth, interest on the public debt, and for the support of the common schools for the years Anno Domini one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six.

SECTION 1. *Be it enacted, &c.*, That the following sums be and are hereby specifically appropriated to the several objects hereinafter named, for the years commencing the first day of June, one thousand eight hundred and eighty-five, and the first day of June, one thousand eight hundred and eighty-six, and to be paid out of any moneys in the treasury not otherwise appropriated.

SECTION 2. For the payment of the salaries of the several State officers, the clerks and employés in the several departments of the State Government, and for the incidental expenses of the said departments, the sum of four hundred thousand and four hundred dollars, or so much thereof as may be necessary, the same to be paid by the State Treasurer in the amounts as follows, and in the manner prescribed by law:

EXECUTIVE DEPARTMENT.

For the payment of the salary of the Governor, for two years, twenty thousand dollars.

For the payment of the salary of the Lieutenant Governor, two years, six thousand dollars.

For the payment of clerk hire, two years, twelve thousand eight hundred dollars.

For the payment of contingent expenses, two years, four thousand dollars.

STATE DEPARTMENT.

For the payment of the salary of the Secretary of the Commonwealth, two years, eight thousand dollars.

For the payment of the salary of the Deputy Secretary of the Commonwealth, two years, five thousand dollars.

For the payment of clerk hire, two years, thirty-one thousand six hundred dollars.

For the payment of contingent expenses, two years, six thousand dollars.

For indexing pamphlet laws, one hundred dollars.

AUDITOR GENERAL'S DEPARTMENT.

For the payment of the salary of the Auditor General, two years, six thousand dollars.

For the payment of clerk hire, two years, thirty-six thousand six hundred dollars.

For the payment of execution of corporation tax laws, two years, two thousand dollars.

For the payment of contingent expenses, two years, four thousand dollars.

TREASURY DEPARTMENT.

For the payment of the salary of the State Treasurer, two years, ten thousand dollars.

For the payment of clerk hire, two years, seventeen thousand and fifty dollars.

For the payment of contingent expenses, two years, two thousand dollars.

ATTORNEY GENERAL'S DEPARTMENT.

For the payment of salary of the Attorney General, two years, seven thousand dollars.

For the payment of the salary of the Deputy Attorney General, two years, three thousand six hundred dollars.

For the payment of clerk hire, two years, two thousand eight hundred dollars.

For the payment of contingent expenses, two years, two thousand dollars.

DEPARTMENT OF INTERNAL AFFAIRS.

For the payment of salary of the Secretary of Internal Affairs, two years, six thousand dollars.

For the payment of clerk hire, two years, fifty-four thousand two hundred dollars.

For the payment of contingent expenses, two years, five thousand dollars.

For the payment of traveling and other incidental expenses for the collection of statistics by the Bureau of Industrial Statistics of the Department of Internal Affairs for each of the years commencing June first, one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, the sum of two thousand dollars, or so much thereof as may be necessary.

DEPARTMENT OF PUBLIC INSTRUCTION.

For the payment of the salary of the Superintendent of Public Instruction, two years, five thousand dollars.

For the payment of clerk hire, two years, seventeen thousand four hundred dollars.

For the payment of contingent expenses, two years, six thousand dollars.

For the payment of circulating the Pennsylvania School Journal, two years, five thousand dollars.

ADJUTANT GENERAL'S DEPARTMENT.

For the payment of the salary of the Adjutant General, two years, five thousand dollars.

For the payment of clerk hire and employés at State Arsenal, two years, twenty-two thousand eight hundred dollars.

For repairs to State Arsenal buildings, fences and grounds the sum of twelve hundred dollars, or so much thereof as may be necessary.

For the payment of contingent expenses, including shipping of arms and so forth, two years, six thousand six hundred dollars.

STATE LIBRARY.

For the payment of the salary of the State Librarian, two years, three thousand six hundred dollars.

For the payment of the salary of the Assistant State Librarian, two years, two thousand four hundred dollars.

For the payment of the salary of the messenger, two years, one thousand dollars.

For freight, expressage, postage, cleaning room, and miscellaneous expenses, one thousand dollars, or so much thereof as may be necessary.

For marking books, two hundred dollars.

For reports of Supreme Court for exchange, two hundred dollars.

For purchase of books and exchanges, three thousand dollars.

For the purchase of miscellaneous books, seven thousand dollars, or so much thereof of each as may be necessary.

For the purchase of fixtures for card catalogue, two hundred dollars, or so much thereof as may be necessary.

DEPARTMENT OF PUBLIC PRINTING AND BINDING.

For the payment of the salary of the Superintendent of Public Printing and Binding, two years, four thousand dollars.

For the payment of contingent expenses, two years, six hundred dollars.
For the payment of rent of office, two years, two hundred dollars.

STATE REPORTER.

For the payment of the salary of the State Reporter, two years, six thousand dollars.

PUBLIC BUILDINGS AND GROUNDS.

For the payment of salary of the Superintendent of Public Buildings and Grounds, two years, two thousand eight hundred dollars.

For the payment of the salary of five watchmen, two years, nine thousand dollars, and for uniforms for the said five watchman, as prescribed by the Board of Public Buildings and Grounds, two hundred and fifty dollars.

BOARD OF SINKING FUND COMMISSIONERS.

For the payment of the salaries of three commissioners, two years, one thousand eight hundred dollars.

For the payment of the salary of clerk, two years, two thousand dollars.

BOARD OF PARDONS.

For the payment of the salaries of the members of the board, two years, four thousand dollars.

For the payment of the salary of the recorder of the board, two years, one thousand dollars.

For the payment of the salary of clerk, two years, one thousand dollars.

BOARD OF REVENUE COMMISSIONERS.

For the payment of the salaries of the three members of the board, two years, one thousand eight hundred dollars.

For the payment of the salary of clerk, two years, six hundred dollars.

HARBOR OFFICERS, PHILADELPHIA.

For the payment of the salary of the harbor master, two years, five thousand dollars.

For the payment of the salaries of the deputies and messenger of the harbor master's office and payment of office rent, for two years, the sum of twelve thousand dollars.

For the payment of the salary of the port warden, two years, five thousand dollars.

JUDICIARY DEPARTMENT.

SECTION 3. For the payment of the salaries of the judges of the Supreme Court, the president and other law judges of the several courts of common pleas in the Commonwealth, and the judges of the separate orphans' courts, and for the mileage and compensation of common pleas judges holding courts in other districts, and for the payment of the salaries of associate judges, the sum of nine hundred and ninety-nine thousand dollars for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, or so much thereof as may be necessary, as follows: Payments to be made quarterly on August thirty-first, November thirtieth, February twenty-eighth, and May thirty-first of each year, but when in case of the death, resignation or expiration of term

of office of a judge, salary for a fraction of a quarter is due him the same shall be so computed as not to increase or diminish the salary he is entitled to receive under the several acts of Assembly fixing the compensation of judges.

SUPREME COURT JUDGES.

For the payment of the salaries of the Supreme Court judges, two years, one hundred and thirteen thousand dollars.

COMMON PLEAS JUDGES.

For the payment of the salaries of the twelve common pleas judges in the county of Philadelphia, two years, one hundred and sixty-eight thousand dollars.

For the payment of the salaries of the six common pleas judges in the county of Allegheny, two years, seventy-two thousand dollars.

For the payment of the salaries of two common pleas judges in the county of Dauphin and in districts having a population of ninety thousand or over, according to the most recent United States census, with but one judge, two years, thirty thousand dollars.

For the payment of the salaries, at the rate of four thousand dollars each per annum of the other fifty-four common pleas judges (as now provided by law) in the other districts of the State, two years, four hundred and twenty-four thousand dollars.

ORPHANS' COURT JUDGES.

For the payment of the salaries of the three orphans' court judges in the county of Philadelphia, two years, forty-two thousand dollars.

For the payment of the salaries of the two orphans' court judges in the county of Allegheny, two years, twenty-four thousand dollars.

For the payment of the salary of one orphans' court judge in the county of Luzerne, two years, eight thousand dollars.

For the payment of the salary of one orphans' court judge in the county of Berks, two years, eight thousand dollars.

ASSOCIATE JUDGES.

For the payment of the salaries of associate judges, sixty-four thousand dollars, or so much thereof as may be necessary.

MILEAGE AND EXTRA SERVICES.

For the payment of mileage of common pleas and associate judges and compensation of common pleas judges holding courts in other districts, forty-six thousand dollars, or so much thereof as may be necessary.

LEGISLATIVE DEPARTMENT.

SECTION 4. For the payment of the expenses of the Legislature for the year Anno Domini one thousand eight hundred and eighty-five, the sum of five hundred and forty thousand three hundred and sixty-three dollars and sixty cents, or so much thereof as may be necessary: *Provided*, That the salary, stationery, postage, and mileage of the members, officers, and employés of the Legislature shall be paid by the State Treasurer on the warrant of the President *pro tempore* of the Senate and Speaker of the House respectively.

SENATE.

SECTION 5. For the payment of the salaries, mileage, stationery, and post-

age of the Senators, the salaries and mileage of the officers and employés, the salary of the chaplain, the postage for the Lieutenant Governor and the postage on the *Legislative Record* for the Senators, the sum of one hundred and thirty-three thousand eight hundred and eighty-seven dollars and fifty cents, or so much thereof as may be necessary, as follows;

Salaries of the Senators, seventy-five thousand one hundred and fifty-eight dollars.

Mileage of the Senators, three thousand three hundred and fifteen dollars and eighty cents.

Stationery allowed by law to fifty Senators, fifty dollars each, twenty-five hundred dollars.

Postage allowed by law to fifty Senators, five thousand dollars.

Postage for chief clerk and assistants allowed by law, one hundred dollars.

Postage for Lieutenant Governor, one hundred dollars.

Salaries of the officers and employés of the Senate, (except watchmen and pages,) thirty-five thousand five hundred and fifty dollars.

Mileage for officers and employés of the Senate, one thousand and twenty-six dollars and forty cents, or so much thereof as may be necessary.

For the salary of chaplain, four hundred and fifty dollars.

For the chief clerk of the Senate, for the payment of a janitor and keeping in order the apartment of the Lieutenant Governor, for two years, at two hundred and fifty dollars each year, five hundred dollars, or so much thereof as may be necessary.

For postage on the *Legislative Record* for Senators, three hundred and ninety dollars, or so much thereof as may be necessary.

For the pay of the returning officers of the Senate at beginning of session of one thousand eight hundred and eighty-five, four hundred dollars.

For the mileage of returning officers, two hundred and sixty-nine dollars and thirty cents.

For the payment of one watchman at three dollars per day and ten pages at two dollars per day, for the time actually employed, as provided by law, fifty-three hundred and seventy dollars.

For the payment of the engineer of the capitol building for the time actually employed during the recess ending the first Monday in January, one thousand eight hundred and eighty-seven, as provided by law, the sum of seventeen hundred and forty dollars, or so much thereof as may be necessary.

For the payment of the cellar fireman of the Senate for the time actually employed during the recess ending the first Monday in January, one thousand eight hundred and eighty-seven, as provided by law, the sum of seventeen hundred and forty dollars, or so much thereof as may be necessary.

For the pay of Edgar C. Lyon, assistant sergeant-at-arms of the Senate, for serving writs for special election in the Forty-first Senatorial district and making return thereof, the sum of two hundred and twenty-one dollars.

For the pay of John Boshard, sergeant-at-arms of the Senate, for services rendered joint committee to investigate Blind Men's Home of Philadelphia, the sum of fifty-seven dollars.

HOUSE OF REPRESENTATIVES.

SECTION 6. For the payment of the salaries, mileage, stationery, and postage of the members of the House of Representatives, the salaries and mileage of the officers and employés, the salary of the chaplain and postage on the *Legislative Record* for the members of the House, the sum of

four hundred and six thousand four hundred and seventy-six dollars and ten cents, or so much thereof as may be necessary, as follows:

Salaries of the members, three hundred and one thousand five hundred dollars.

Mileage of the members, thirteen thousand four hundred and twenty-six dollars and sixty cents.

Stationery allowed by law, fifty dollars each, ten thousand one hundred and fifty dollars.

Postage allowed by law, one hundred dollars each, twenty thousand four hundred dollars.

Salaries of officers and employés of the House (except watchmen and pages), forty-eight thousand seven hundred and fifty dollars.

Mileage for officers and employés, one thousand four hundred and seventy-three dollars and twenty cents.

Postage on *Legislative Record* for members of the House, eight hundred and fifty dollars, or so much thereof as may be necessary.

For salary of chaplain, four hundred and fifty dollars.

For the payment of the salaries of returning officers of the House at beginning of session one thousand eight hundred and eighty-five, six hundred and twenty dollars.

Mileage of returning officers, four hundred and twenty six dollars and thirty cents.

For the payment of one watchman at three dollars per day, and fifteen pages at two dollars per day, for the time actually employed as provided by law, sixty-six hundred and ninety dollars, or so much thereof as may be necessary.

For the payment of the House fireman for the time actually employed during the recess ending the first Monday of January, one thousand eight hundred and eighty-seven, as provided by law, the sum of seventeen hundred and forty dollars, or so much thereof as may be necessary.

SECTION 7. For the payment of the publication of the *Legislative Record*, the sum of six dollars and fifty-six cents per page, in accordance with contract relating thereto; for printing the wrappers for the *Record*, the sum of two dollars and ninety-nine cents per set, and for making an index for the *Legislative Record*, the sum of three hundred dollars, or so much thereof as may be necessary: *Provided*, That the number of the copies of the indexes furnished by the contractor shall be equal to the number of copies of the *Record* printed by him.

For the payment of the hotel, traveling and clerical expenses of commission, consisting of the President *pro tempore* of the Senate and Speaker of the House of Representatives of one thousand eight hundred and eighty-five, required by law to receive and open the bids for and award the contract for publishing the daily record, the sum of four hundred dollars, or so much thereof as may be necessary.

SECTION 8. For the incidental expenses of the two Houses of the Legislature for the year commencing December first, one thousand eight hundred and eighty-four, such sum as may be necessary, to be expended by the chief clerks of the two Houses, who shall render to the Auditor General accounts therefor from time to time with proper vouchers, to be settled in the same manner as other accounts; but neither chief clerk shall have in his hands at any time more than one thousand dollars for which accounts have not been rendered and settled, and the whole amount expended by each chief clerk shall not exceed five thousand dollars for the chief clerk

of the Senate, and seven thousand five hundred dollars for the chief clerk of the House of Representatives, out of which sum shall be paid, for such necessary extra labor in the Senate and House of Representatives during the session one thousand eight hundred and eighty-five, as shall be certified to by the presiding officers and chief clerks thereof.

SECTION 9. For the payment of postage, labor, express charges and other expenses in the office of the resident clerk of the House of Representstives during the recess, the sum of one thousand six hundred dollars, or so much thereof as may be necessary; and for like services and expenses in the office of librarian of the Senate, who is made by the act of June twelfth, one thousand eight hundred and seventy-nine, the custodian and distributor of all stationery and supplies for the Senate, the House of Representatives and the several departments, the sum of twelve hundred dollars, or so much thereof as may be necessary, and like sums for the year one thousand eight hundred and eighty-six, to be audited and settled by the Auditor General and State Treasurer in the usual manner. And the resident clerk shall receive from the public printer the bound copies of the *Legislative Record* and forward them to the members of the House. He shall also receive from the contractor for publishing the *Legislative Record* the back numbers due the members of the House after the adjournment, and fold and mail them to the address of the persons to whom they have been mailed by the members during the session. He shall also receive after the adjournment from the public printer any documents and other printed matter authorized by law to be printed, and have the same promptly forwarded by the contractor. And for the necessary expenses in the offices of the chief clerks of the Senate and House of Representatives during the recess of one thousand eight hundred and eighty-five, each, the sum of six hundred dollars, or so much thereof as may be necessary, to be settled by the Auditor General in the usual manner.

For the librarian of the Senate during the recess ending December thirty-first, one thousand eight hundred and eighty-five, eighteen hundred dollars.

For winding and oiling the clock on the dome, one hundred dollars, and the further sum of twenty-five dollars for taking care of the electric clocks in the Senate chamber and hall of the House of Representatives, to be paid by the clerk of the Senate, and like sums for the year one thousand eight hundred and eighty-six, to be audited and settled by the Auditor General in the usual manner.

For the chief clerks of the Senate and House of Representatives, two hundred dollars each, for making indexes for the Journals of the two Houses.

SECTION 10. For the chief clerks of the Senate and House of Representatives, for extra clerical and other services devolving upon them during the year Anno Domini eighteen hundred and eighty-six, the sum of one thousand dollars each. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

SECTION 11. For the payment of the resident clerk of the House of Representatives, for clerical and other services which may devolve upon him during the year one thousand eight hundred and eighty-six, the sum of eighteen hundred dollars; and also for the librarian of the Senate for like services, the sum of eighteen hundred dollars; and also a like sum of eighteen hundred dollars to pay for services rendered by the librarian of the Senate during the year one thousand eight hundred and eighty-four.

SECTION 12. For the support of the common schools of this Common-

wealth, for the years commencing on the first Monday of June, one thousand eight hundred and eighty-five, and first Monday of June, one thousand eight hundred and eighty-six, each year, the sum of one million dollars, to be paid on warrants of the Superintendent of Public Instruction in favor of the several school-districts of the Commonwealth: *Provided*, That the city of Philadelphia shall be entitled to a proper portion of this appropriation, and out of the amount received by the city of Philadelphia, there shall be paid three thousand dollars to the teachers' institute of the said city, and three thousand dollars to the Philadelphia School of Design for Women, for their corporate purposes.

SECTION 13. For the payment of the salaries of the county superintendents of the public schools, the sum of eighty-six thousand dollars annually, or so much thereof as may be necessary, each year, to be paid on the warrant of the Superintendent of Public Instruction, and for the education of teachers in the normal schools, the sum of forty-eight thousand dollars annually, or so much thereof as may be necessary, to be applied on the same conditions and under the same restrictions as are set forth in section three of the general appropriation act approved March twenty-third, Anno Domini one thousand eight hundred and seventy-seven: *Provided*, That each student in a normal school drawing an allowance from the State must receive regular instruction in the science and art of teaching, in a special class devoted to that object, for the whole time such an allowance is drawn.

SECTION 14. The State Treasurer is hereby authorized and directed to pay out of any moneys in the treasury not otherwise appropriated, on accounts to be audited by the Auditor General and the State Treasurer, in the usual manner, for the years commencing June first, one thousand eight hundred and eighty-five, and June first, one thousand eight hundred and eighty-six, such sum as may be required by contract, made in pursuance of law, for the payment of stationery, printing, paper, and material required for the public printing; for supplies and fuel furnished to the two Houses of the Legislature and the several departments of the Government, and for the printing, binding, and distribution of the laws, journals, and department reports, and for the miscellaneous printing, folding, stitching, and binding, and for repairs to and furnishing of the chambers and committee-rooms of the two Houses of the Legislature and the several departments of the Government, which shall be done only on the written orders of the Board of Commissioners of Public Grounds and Buildings, and that the watchman now authorized by law be required to keep an account and make report in writing to the chief clerk of each House of the number of tons of coal and the number of cords of wood delivered on said contracts.

SECTION 15. For the payment of the interest on the funded debt of the Commonwealth, which falls due on the first day of August, Anno Domini one thousand eight hundred and eighty-five, and the first day of February, Anno Domini one thousand eight hundred and eighty-six, the sum of eight hundred and twenty-eight thousand four hundred and forty-two dollars and fifty cents, and for the payment of like interest due on the first day of August, Anno Domini one thousand eight hundred and eighty-six, and the first day of February, Anno Domini one thousand eight hundred and eighty-seven, the sum of eight hundred and nineteen thousand two hundred and forty five dollars, and for the compensation to the fiscal agent, the Farmers' and Mechanics' National Bank of Philadelphia, the sum of six thousand dollars each year.

SECTION 16. For the payment of the annual salaries of the inspectors of

mines and their clerks, under the act of one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy, and one thousand eight hundred and seventy-seven, and one thousand eight hundred and eighty-one, for each of the years commencing June first, Anno Domini one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, the sum of thirty-three thousand dollars, or so much thereof as may be necessary, and for contingent expenses the sum of five thousand dollars, or so much thereof as may be necessary.

SECTION 17. For the expense of keeping the public grounds in order and furnishing, repairing, and improving the public buildings and grounds, which shall be done only on written orders of a majority of the Board of Commissioners of Public Grounds and Buildings, for the year commencing June first, one thousand eight hundred and eighty-five, the sum of ten thousand dollars, or so much thereof as may be necessary; for the year commencing June first, one thousand eight hundred and eighty-six, the sum of ten thousand dollars, or so much thereof as may be necessary; and the superintendent shall file with the Auditor General within twenty days after the close of each quarter for settlement proper vouchers for all sums expended by him under this section: *Provided*, That the Board of Commissioners of Public Grounds and Buildings shall limit their expenditures in each year to the sum hereby appropriated.

SECTION 18. The sum of thirty thousand ($30,000) dollars, or so much thereof as may be necessary, for the following purposes:

For the construction of an elevator in the main building, four thousand dollars.

For frescoing the rotunda and hall-ways on the first and second floors and side-walls leading to the State library, the sum of seven thousand dollars.

For resetting and placing new stone steps where necessary in front of the Capitol buildings, and repairing and replacing the broken portions of the bases of buildings, the sum of two thousand dollars.

For renewing fifty-three windows, including frames, glass, weights, et cetera, in main building, the sum of two thousand three hundred dollars.

For painting and stenciling the outside of the Capitol and buildings of the several departments, including the painting of roofs and dome, the sum of six thousand dollars.

For the repairing of the roof of the main building where necessary and for the removal of the columns and railing of the dome, the sum of four thousand dollars.

For new doors and entrances at the east and west side of Capitol, and new floor in rotunda and main hall, and repairs to the stairways, the sum of four thousand seven hundred dollars.

For the purpose of repapering and repainting the rooms of the Department of Public Instruction, three hundred and fifty dollars, or so much thereof as may be necessary.

To be settled by the Auditor General on presentation of proper vouchers in the usual manner.

The said improvements and repairs to be constructed according to specifications approved by the Board of Commissioners of Buildings and Grounds, who shall select such artisans and artists to perform the respective work (under their supervision) as may be deemed best for the proper construction of the same and the best interests of the Commonwealth.

SECTION 19. For the purchase of new carpets and such refurnishing as

may be required for the Governor's mansion, and for such other expenditures and repairs as may be necessary for the out-buildings and grounds, which shall be done on the written order of a majority of the Board of Commissioners of Public Buildings and Grounds, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, to be settled by the Auditor General on presentation of proper vouchers in the usual manner.

SECTION 20. That hereafter no improvements or repairs shall be made to any of the public grounds or buildings, nor shall any furniture of any kind be ordered or procured by any of the heads of departments or clerks of either of the two Houses until a requisition for such improvements or repairs or furniture shall first have been approved by a majority of the Board of Commissioners of Public Grounds and Buildings in writing, and the aggregate expenditure for each year shall not exceed the amount appropriated therefor.

SECTION 21. For the payment to the city of Harrisburg for supplying the public buildings and grounds with water, according to the act of twenty-eighth of April, Anno Domini one thousand eight hundred and forty, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five, the sum of six hundred dollars, and the sum of nine hundred dollars for the year commencing June first, Anno Domini one thousand eight hundred and eighty-six, or so much thereof as may be necessary; and also for electric lights for the public buildings and grounds, such amount as shall be found due on the contract made for furnishing such electric light, upon an account rendered and settled by the Auditor General in the usual manner; and also for such amount for gas as may be found due the gas company when supplied on the contract with the company, and upon a regular account being rendered to the Auditor General and settled in the usual manner and in accordance with existing laws.

SECTION 22. For the payment of official fees, witness fees, and serving process, and for such other costs as the Commonwealth may be liable to pay in cases which the Commonwealth is or may be a party, for two years, commencing June first, Anno Domini one thousand eight hundred and eighty-five, for each year the sum of one thousand dollars, or so much thereof as may be necessary, to be paid on the warrant of the Attorney General.

SECTION 23. For the several fire companies of the city of Harrisburg for two years, commencing June first, Anno Domini one thousand eight hundred and eighty-five, for each year the sum of nine hundred dollars, to be distributed in equal amounts to and among said companies.

SECTION 24. For the payment of postage, express charges, and other incidental expenses of the Board of Pardons for two years, commencing June first, Anno Domini one thousand eight hundred and eighty-five, each year the sum of five hundred dollars, or so much thereof as may be necessary; and for the payment of postage, express charges, and other incidental expenses in the office of the State Treasurer, Auditor General, and Attorney General, the sum of one thousand dollars each, or so much thereof as may be necessary, for each year, commencing June first, Anno Domini one thousand eight hundred and eighty-five, and one thousand eight hundred and eighty-six, in addition to the amount fixed by the act of May fourteenth, one thousand eight hundred and seventy-four, and a further sum of four hundred and fifty dollars, or so much thereof as may be necessary, to erect

a book case in the office of the State Treasurer, for the preservation of the increasing number of public documents in said office.

For the payment of the traveling and other expenses attending the opening and counting the votes for State Treasurer in the year one thousand eight hundred and eighty-six, the sum of seven hundred dollars, or so much thereof as may be necessary, to be paid on warrants drawn by the Auditor General.

SECTION 25. For the payment of mileage of the appraisers of mercantile and other license taxes of the several counties and cities of this Commonwealth, and for the payment of the costs for which the Commonwealth is liable in suits against delinquent dealers, under the act of March thirteenth, Anno Domini one thousand eight hundred and forty-seven, and for the payment of the costs of advertising the mercantile lists in the several counties of the Commonwealth, for the years commencing June first, Anno Domini one thousand eight hundred and eighty-five, and June first, one thousand eight hundred and eighty-six, such sum as shall be found due therefor, upon accounts filed in the Auditor General's office and settled according to law.

SECTION 26. For the purpose of paying the necessary expenses of persons appointed in pursuance of law to examine the accounts of city or county officers or individuals required by law to make report to the Auditor General of moneys due for fees or taxes received for the use of the Commonwealth, such sum as may be necessary, to be expended under the joint direction of the State Treasurer and the Auditor General, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five, to be paid only on separate accounts filed in the Auditor General's office and settled according to law by the Auditor General and State Treasurer, and the like sum for the year commencing June first, Anno Domini one thousand eight hundred and eighty-six: *Provided*, The sum shall not exceed one thousand dollars for any one year.

SECTION 27. For the payment of such advertisements as are required by law to be published by the accounting officers in the newspapers, for the years commencing June first, Anno Domini one thousand eight hundred and eighty-five, and one thousand eight hundred and eighty-six, so much as may be necessary to pay the same, upon settlement of the accounts in the Auditor General's office, not to exceed five hundred dollars for each year.

SECTION 28. For the payment of the commissions of such military State agents at Washington as have been or may be employed by the accounting officers, under the acts of one thousand eight hundred and seventy-one and seventy-two, to collect the claims due the Commonwealth from the Government of the United States, for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, so much as may be necessary, not exceeding ten per centum on the amount collected through such agent or agents and paid into the treasury.

SECTION 29. To the legal representatives of Honorable Henry C. Falls, deceased, late a member of the House of Representatives from the county of Lawrence, the sum of one thousand dollars, and a like sum to the legal representatives of the Honorable Nicholas Carr Northup, deceased, late a member of the House of Representatives from the county of Lackawanna, to be paid upon warrants drawn by the Speaker of the House of Representatives, advancements previously made by the State Treasurer on account of salary to be deducted therefrom when presented for payment.

To the widow of the Honorable Alexander Patton, deceased, late a member of the Senate from the county of Greene, the sum of one thousand dollars, to be paid upon warrant drawn by the presiding officer of the Senate.

SECTION 30. For sergeant-at-arms for serving writs for special elections in Lawrence, Luzerne and Lackawanna counties, the sum of two hundred dollars, or so much thereof as may be necessary.

SECTION 31. For defraying the expenses of improving the ventilation of the House, the sum of twelve hundred dollars, or so much thereof as may be necessary, the same to be paid on a warrant of the Auditor General on proper vouchers being filed by the chief clerk of the House.

SECTION 32. For the payment of the services of the stenographers and clerk to the committee engaged in the investigation of the Standard Oil Company tax suit, the sum of twelve hundred dollars, or so much thereof as may be necessary.

SECTION 33. For the payment of defendant's expenses in the Foster–McNeil contested election case, the sum of twelve hundred dollars, or so much thereof as may be necessary. The same to be settled by the Auditor General on the presentation of proper vouchers, payment to be made in the usual manner.

SECTION 34. For the payment of expenses of the joint committee of the Senate and House of Representatives to inquire as to the mental and physical condition of Honorable John M. Kirkpatrick, associate law judge of the court of common pleas, number two, of Allegheny county, under resolution of March thirty-first, one thousand eight hundred and eighty-five, as follows, namely:

To James Onslow, sergeant-at-arms, eighty-seven dollars and fifty-one cents.

To A. M. Neeper, reporting testimony at Pittsburgh, three hundred and thirteen dollars and sixty-seven cents.

To Joseph I. Gilbert, reporting testimony at Harrisburg, fifty-four dollars and twenty-five cents.

To Doctor C. C. Wiley, witness, Pittsburgh, ten dollars.

To Doctor Samuel Ayres, witness, Pittsburgh, ten dollars.

To Doctor D. W. Rankin, witness, Pittsburgh, ten dollars.

To Doctor James Herron, witness, Pittsburgh, ten dollars.

To Doctor H. A. Hutchinson, witness, Pittsburgh, ten dollars.

Proprietor Monongahela House, Pittsburgh, to hotel bill, sixty dollars.

To Senator John D. Biddis, mileage from Harrisburg to Pittsburgh and return, ninety-nine dollars and twenty cents.

To Senator George W. Hood, mileage from Harrisburg to Pittsburgh and return, ninety-nine dollars and twenty cents.

To Representative John E. Faunce, mileage from Harrisburg to Pittsburgh and return, ninety-nine dollars and twenty cents.

To Representative John B. Robinson, mileage from Harrisburg to Pittsburgh and return, ninety-nine dollars and twenty cents.

To Representative W. H. Sponsler, mileage from Harrisburg to Pittsburgh and return, ninety-nine dollars and twenty cents.

Total, one thousand and sixty-one dollars and forty-three cents.

APPROVED—The 9th day of June, A. D. 1885, except to the items which I hereby disapprove of.

Under the authority of the Constitution giving the Executive power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, the following items of the foregoing bill are disapproved of:

SECTION 5. The item in this section appropriating $35,550 for the salaries of the officers and employés of the Senate (except watchmen and pages) is over $12,000 in excess of the salaries of those officers and employés as fixed by law, and is an attempt to give them unlawful extra compensation, which is thus embraced in a lumped sum, part of which is a legitimate appropriation, in the hope of thereby escaping Executive disapproval. The art thus made use of to prevent the exercise of a Constitutional prerogative by the Governor is of itself an admission of a consciousness upon the part of a law-making power that their design was liable to call for the disapproval of the Executive. To justify this expectation, there has been two previous warnings. My distinguished predecessor, Governor Hoyt, in approving the general appropriation bill of 1881, regretted that the extra illegal compensation given to the officers and employés in that bill was included in the gross appropriation for the entire legislative department, as he doubted whether, not being embraced in a separate item, he could disapprove of it without vetoing the entire appropriation. He therefore signed the bill, but put on record his protest against what he termed a palpable violation of the Constitution. At the regular session of 1883, similar extra compensation was appropriated in the general bill by a distinct item, and received the disapproval by the present Executive. In the bill before me, the effort is again made to include the extra pay in a lumped sum. I believe, however, that the terms of the bill are such as to make the objectionable item severable from the proper ones and subject to distinct disapproval. It is useless here to again discuss at length the nature of this extra compensation and the legal reasons against it. All the officers and employés of the Senate covered by this item are, by the act of 1874, given fixed salaries—a round sum per annum or for each session. This bill gives them their salaries for one hundred days of the session, and, in addition, a daily *pro rata* compensation for fifty days of session in excess of the one hundred. It is useless to prolong arguments to prove that *per annum* does not mean *for a hundred days*, and that each session does not mean a part of a session. The act of 1874 fixing these salaries also specifically provides that no other or further compensation than the salaries shall be paid the respective officers. For a detailed discussion of this subject, I refer to the protest of Governor Hoyt above alluded to, to my disapproval of items of the general appropriation bill of 1883, to my disapproval of House bill No. 235, communicated with this paper, and to the remarks of Mr. Buckalew upon section 2 of Article III of the Constitution in his admirable work upon that instrument. The item referred to appropriates $35,550 for salaries of the officers and employés of the Senate. The sum named is in excess of such salaries as fixed by law. I approve of the item for salaries and disapprove of the excess of appropriation above the salaries.

Another item in this section appropriates $450 for the salary of the chaplain. The act of April 6, 1876, fixes his salary at $300. I approve of the item for his salary and disapprove of the item of $150 appropriated in excess of his salary.

SECTION 6. This section contains an item appropriating $48,750 for the salaries of officers and employés of the House. The sum is $16,250 in excess of such salaries as fixed by law. I approve of the item for the sala-

ries of the officers and employés named and disapprove of the excess appropriated above such salaries.

The appropriation of $450 for the salary of chaplain is $150 in excess of his salary as fixed by law. I approve of the item for his salary and disapprove of the excess appropriated above his salary.

If authority be needed for the right of the Executive to thus distinguish these items of appropriation, he refers to the remarks of Mr. Buckalew, in his work upon section 2 of Article III of the Constitution.

SECTION 9. I disapprove of the items in this section appropriating, for the payment of postage, labor, express charges, and other expenses in the office of the resident clerk of the House of Representatives, during the year 1886, the sum of $1,600, and for like services and expenses in the office of the librarian of the Senate, for the year 1886, the sum of $1,200.

I also disapprove of the item in this section appropriating $1,300 for the librarian of the Senate during the recess ending December 31, 1885.

SECTION 10. This entire section is disapproved of. It gives to the chief clerks of the two Houses the sum of $1,000 each, for extra clerical and other services devolving upon them during the year 1886, and purports to repeal all acts or parts of acts inconsistent with its provisions.

SECTION 11. This entire section is disapproved of. It gives to the resident clerk of the House, for clerical and other services that may devolve upon him during the year 1886, the sum of $1,800, and to the librarian of the Senate, for the same year, for like services, the sum of $1,800, and, also, the further sum of $1,800 to the librarian of the Senate for services rendered by him during the year 1884.

All of these items disapproved of in sections nine, ten, and eleven are for a period when the Legislature will not be in session. The librarian of the Senate, if these items should take effect, would be given, by this bill, $800 salary for a session of one hundred days, and *pro rata* pay for fifty days additional; $1,800 for services during the recess of 1885, from the adjournment to the end of the year; $1,800 during the year 1886, when there is no session; $1,800 for the year 1884, when there was no session; and for the expenses of his office, $1,200 during the recess of 1885, and $1,200 during the year 1886, a total of $9,000, of which $7,800 is for a period when there is no session. The librarian's salary is fixed, by the act of 1874, at $800 for the session. There is no authority for giving him more than that sum for the session, and the act expressly prohibits so doing. He is made, by the same law, a returning officer of the Senate, and, as such, in the language of the act, is "authorized to return to the regular session of the Legislature next following that for which he was elected or appointed." The law, therefore, clearly intends that at the end of the session for which he was appointed he should go to his home and not return until the assembling of the next Legislature, when, and when only, he is authorized to return. This bill, however, makes him an officer resident and perpetual, who, from the moderate, but ample, salary of $800 per session fixed by law, has risen until, by this bill, he is given over $3,000 for the entire year 1885, and $1,800 for 1886, when there is no session, together with an incidental expense account of $1,300 a year. It would astonish the framers of the law of 1874 to see how important this officer of their creation has grown, and how expensive he has become at a time when they intended he should be at home attending to his private affairs. The attempt to give this officer $1,300 back pay for 1884 is a most palpable violation of law, and should have no place in this bill.

The items for the two chief clerks and the resident clerk during times when there is no session are disapproved for the same reasons. They are made returning officers by the act of 1874, and have no lawful business at the seat of government as paid public servants in years in which there is no session. Their salaries are fixed by law at a given sum "per annum." I have approved the appropriations for the expenses of their offices during the recess of 1885, as they, being yearly officers, may have duties to perform during the recess for which their per annum salary compensates them. But all appropriations to them for services or for expenses for the year 1886, when the Legislature will not be in session, and when they, in contemplation of law, are at their homes, I have disapproved of. The clause of section ten purporting to repeal all acts inconsistent with its provisions is a nullity. The general appropriation bill can contain only appropriations for the ordinary expenses of the Government, and cannot repeal any law.

SECTION 32. This section is disapproved of. It appropriates $1,200, or so much thereof as may be necessary, for the payment for the services of the stenographers and clerks to the Standard Oil Company investigation committee. This committee was authorized by concurrent resolution No. 34, of the session of 1883. That resolution provided that the committee should perform its duties at "an expense not to exceed $2,500." A bill was passed at this session, which the Executive signed, appropriating $2,500 for the expenses of the committee. The item now under consideration appropriates $1,200 additional for such expenses in clear violation of the limitation and prohibition of the resolution creating the committee. Not only is such an increase in bad faith to those who passed the resolution, but it also violates the restriction contained in section 2 of Article III of the Constitution, which says that "no bill shall be passed * * * providing for the payment of any claim against the Commonwealth without previous authority of law." Moreover, this item is not an "ordinary" expense of the Government, and ought not to be in this bill.

The other items of the foregoing are approved.

ROBT. E. PATTISON.

No. 18.

AN ACT

To regulate the publication and distribution of the annual or biennial message of the Governor, pamphlet laws and reports of the heads of departments.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, the number of volumes of the annual or biennial message of the Governor, pamphlet laws and reports of the heads of departments to be printed shall be as follows, to wit:

I. Four thousand copies of the Governor's annual or biennial message: one thousand for the Senate, two thousand for the House of Representatives, four hundred and fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, and five hundred for reserve work.

II. Fifteen thousand copies of the pamphlet laws: two thousand copies for the Senate, one thousand copies full bound in law sheep, twenty-five copies to be labeled "Property of the Senate," one thousand half bound;

four thousand for the House of Representatives, two thousand full bound in law sheep, twenty-five copies to be labeled "Property of the House," two thousand copies half-bound; sixty copies full bound in law sheep for the State Library, ten copies to be labeled "State Library," and fifty copies for exchange with the several States and Territories, and such other exchanges as may seem prudent for the State Librarian to make; one copy to each of the heads of the several departments of the State Government, to be labeled on the side and back, so as to match the sets now in each office; the balance to be delivered to the Secretary of the Commonwealth, two thousand full bound, five thousand half-bound and the remainder in paper cover; the same to be sold by the Secretary of the Commonwealth at the cost of paper, printing and binding; no edition of the general laws shall be published for distribution.

III. Three thousand one hundred copies of the report of the Auditor General on finances: five hundred for the Senate, one thousand for the House of Representatives, one thousand for the Auditor General, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, and five hundred for reserve work.

IV. Two thousand five hundred and fifty copies of the report of the Auditor General on banks and savings institutions and banks organized under the free banking law: five hundred copies for the Senate, one thousand for the House of Representatives, four hundred and fifty for the Auditor General, fifty for the State Librarian for exchange with the States and Territories, fifty for the Governor, and five hundred for reserve work.

V. Two thousand five hundred and fifty copies of the report of the State Treasurer; five hundred for the Senate, one thousand for the House of Representatives, four hundred and fifty for the State Treasurer, fifty for the Governor, fifty for the State Librarian for distribution and exchange with States and Territories, and five hundred for reserve work.

VI. Three thousand one hundred and fifty copies of the general report of the Secretary of Internal Affairs: five hundred for the Senate, one thousand for the House of Representatives, one thousand for the Secretary of Internal Affairs, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories and five hundred, for reserve work.

VII. Eight thousand six hundred copies of the report of the Secretary of Internal Affairs on industrial statistics: two thousand for the Senate, four thousand for the House of Representatives, two thousand for the Secretary of Internal Affairs, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, and five hundred for reserve work.

VIII. Three thousand one hundred copies of the report of the Secretary of Internal Affairs on railroads, canals and telegraphs: five hundred for the Senate, one thousand for the House of Representatives, one thousand for the Secretary of Internal Affairs, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, and five hundred for reserve work.

IX. Twenty-one thousand six hundred copies of the report of Superintendent of Public Instruction: one thousand thereof for the Senate, two thousand for the House of Representatives. eighteen thousand for the Superintendent of Public Instruction for distribution to and among the several school-districts of the Commonwealth, fifty for the Governor for distribution by him, fifty for the State Librarian for distribution and ex-

change with the several States and Territories, and five hundred for reserve work. And the Superintendent of Public Instruction shall have published, biennially, thirty thousand copies of the school laws and decisions to be distributed by him, three thousand for the Senate, seven thousand for the House of Representatives, and twenty thousand to and among the several school-districts of the Commonwealth.

X. Four thousand one hundred copies of the report of the Superintendent of Soldiers' Orphans: five hundred for the Senate, one thousand for the House of Representatives, two thousand for the Superintendent of Soldiers' Orphans, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, and five hundred for reserve work.

XI. Four thousand one hundred copies of the report of the Adjutant General: one thousand for the Senate, one thousand five hundred for the House of Representatives, one thousand for the Adjutant General, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, and five hundred for reserve work.

XII. Five thousand and three hundred copies of the report of the Insurance Commissioner on fire and marine insurance: one thousand for the Senate, two thousand five hundred for the House of Representatives, one thousand and two hundred for the Insurance Commissioner, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, and five hundred for reserve work.

XIII. Three thousand copies of the report of the Insurance Commissioner on life and accidental insurance, to be distributed in the same manner as provided for the report on fire and marine insurance.

XIV. Seven thousand eight hundred copies of the report of the inspectors of mines (anthracite regions): two thousand for the Senate, four thousand for the House of Representatives, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, twelve hundred to be distributed *pro rata* to the anthracite mine inspectors, and five hundred for reserve work.

XV. Thirty-one thousand five hundred copies of the work entitled the "Agriculture of Pennsylvania," in the style, manner and form prescribed by law: eight thousand for the Senate, twenty thousand for the House of Representatives, one thousand five hundred for the State Board of Agriculture, five hundred for the State Agricultural Society, five hundred for the State Dairymen's Association, one hundred for the State Horticultural Association, fifty for the State College, one hundred for the Governor, fifty for the State Librarian for distribution and exchange with the States and Territories, two hundred for the Horticultural Society, and five hundred for reserve work.

XVI. Twenty-five thousand copies of Smull's Legislative Hand-Book, similar in character to the existing publication: eight thousand two hundred and sixty-seven thereof for the Senate, sixteen thousand five hundred and thirty-three for the House of Representatives, one hundred for the Governor for distribution by him, and one hundred for the State Librarian for distribution and exchange with the several States and Territories; and the sum of three hundred dollars shall be allowed the compiler of said work for revising, editing, and supervising the printing of each edition of the same: *Provided*, That the State Librarian shall receive and retain permanently in the State Library full sets of all reports published by authority of law by either of the departments or by any of the State officers.

XVII. Two thousand five hundred copies of the report of the Board of Public Charities: five hundred for the Senate, one thousand for the House of Representatives, four hundred for the Board of Public Charities, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the several States and Territories, and five hundred for reserve work.

XVIII. Four thousand copies of the Fish Commissioners' report: one thousand for the Senate, two thousand for the House of Representatives, four hundred for the commissioners, fifty for the Governor, fifty for the State Librarian for distribution and exchange with the several States and Territories, and five hundred for reserve work.

XIX. Five thousand copies of the legislative and department directory, to be prepared by the chief clerk of the Senate, and to be bound in cloth: two thousand for the Senate and three thousand for the House.

All documents for the use of the Senate and House of Representatives to be delivered by the Superintendent of Public Printing and Binding to the librarian of the Senate and resident clerk of the House of Representatives.

That the act entitled "An act to regulate the publication of apportionment and distribution of the pamphlet laws, executive and legislative documents, reports of heads of departments, and the annual and biennial message of the Governor," approved the fourth day of June, Anno Domini one thousand eight hundred and eighty-three, and any laws or parts of laws inconsistent with this act or any of the provisions thereof, be and the same are hereby repealed: *Provided, however,* That nothing contained herein shall be so construed as to interfere with any special or general contract, unless by consent of the contractor or contractors, obtained without cost to the State, now binding for executing the public printing or binding, and all laws or parts thereof inconsistent with this act or parts thereof, or with any provision thereof, be and the same are hereby repealed.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *June 9, 1885.*

To the Honorable the House of Representatives of Pennsylvania:

GENTLEMEN: I herewith return, without my approval, House bill No. 175, entitled "An act to regulate the publication and distribution of the annual or biennial message of the Governor, pamphlet laws, and reports of the heads of departments."

At the session of 1883, a general law was passed regulating the printing, number, and distribution of the reports of departments and other public documents. That act, which was approved by me on the 4th day of June, 1883, was passed in response to a general demand for a reduction of the great expense of the public printing. The excessive number of public reports printed, the very limited utility of many of them, and the evident fact that a great quantity of them was unused and wasted, gave rise to the desire for a general and systematic curtailment in the whole matter of printing public documents. Such curtailment was made by the act of June 4, 1883. While the reduction made by that act was not great, yet it was considerable and of material benefit to the cause of economy. It was a well-considered act, and while probably not so perfect in all its provisions as could have been desired, was still in the right direction. That law has been in operation only two years, and now, at the very next succeeding ses-

sion, the present bill is sent me undoing all that was done for economy in 1883, and making a large, sweeping, and uncalled-for increase along the whole line of public printing. The total increase in volumes authorized by the bill approximates one hundred thousand. In the matter of Smull's hand-books alone the increase is fifteen thousand.

As to a few of the reports, the increase provided would probably be wise, and, I understand, is asked for by the heads of the departments. Standing alone I would probably approve the items, but the bill is so loaded down with unnecessary and wasteful provisions that I am obliged to withhold my approval. This is no time to take a backward step in matters of public expense. It is wiser to allow the well-intended economy of the act of 1883 to prevail for at least a few years longer.

ROBT. E. PATTISON.

VETOES.

BILLS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, WITHIN THIRTY DAYS AFTER THE ADJOURNMENT OF THE LEGISLATURE ON THE 12TH DAY OF JUNE, A. D. 1885.

No. 1.

AN ACT

Relative to livery stable keepers.

SECTION 1. *Be it enacted, &c.*, That whenever, hereafter, any bailee or bailees, for hire or loan of any property of any livery stable keeper or any other owner of property in this Commonwealth, shall wilfully or with gross negligence damage or destroy the property of any one as aforesaid while the same is in the custody or possession of said bailee or bailees, the person or persons so offending shall be taken and deemed guilty of a misdemeanor, and upon conviction in the court of quarter sessions shall be punished by fine or imprisonment not exceeding twenty days in the county jail, or both, at the discretion of the court, and shall be liable to said owner or owners of said property for the value thereof or injury done to the same in an action of debt either in the court of common pleas or before a justice of the peace as like amounts are now by law recoverable.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *June 24, 1885.*

I herewith file in the office of the Secretary of the Commonwealth, with my objections, House bill No. 183, entitled "An act relative to livery stable keepers."

Without discussing the merits of this bill, I decline to give it my approval, because the title is defective and misleading.

The provisions of the bill apply not only to livery stable keepers, but also to "any other owner of property in this Commonwealth." The title, therefore, does not clearly express the purpose of the bill and is constitutionally defective.

ROBT. E. PATTISON.

No. 2.

AN ACT

Providing for additional copies of Smull's Legislative Hand-Book.

SECTION 1. *Be it enacted, &c.*, That the State Printer be and he is hereby authorized to furnish ten thousand additional copies of Smull's Legislative Hand-book for the use of the Senate and House of Representatives: three thousand thereof for the Senators and seven thousand for the members of the House of Representatives: *Provided*, The cost of the same shall not exceed fifty cents a volume: *Provided further*, That the publisher may omit from said volumes pages one hundred and seventy-one to three hundred and thirty-two inclusive.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 24, 1885.*

I herewith file in the office of the Secretary of the Commonwealth, with my objections, House bill No. 681, entitled "An act providing for additional copies of Smull's Legislative Hand-Book."

A bill similar in purpose to the present one received Executive disapproval during the session of the General Assembly. The main reasons then given for withholding my signature apply with equal force to this bill. The measure entails upon the Commonwealth an unnecessary expense. The general law makes ample provision for the publication of all the hand-books needed for the legitimate uses of the Government. To increase the number of copies of the book ten thousand is, in the opinion of the Executive, an uncalled-for expenditure.

ROBT. E. PATTISON.

No. 3.

AN ACT

Authorizing the courts of common pleas to fix by rule the fees of witnesses.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act the several courts of common pleas of this Commonwealth, upon petition signed by at least one hundred qualified electors of the county, be and are hereby authorized and empowered to fix by rule or standing order the fees of witnesses attending the several courts of the county, and all judicial proceedings growing out of any case commenced in said courts: the fees so fixed to be in addition to mileage now allowed by law, which rule or order shall be made at the next term of court succeeding the one to which the petition is presented, the sum so fixed not to exceed one dollar and fifty cents per day, and the rule or order to continue in force until changed by the court upon like petition: *Provided also*, That in counties where there

is more than one court of common pleas the judges of all the courts shall act together if petition is presented as provided in this act to either of said courts, and the rule adopted by them shall apply to all the courts of the county.

SECTION 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *June 24, 1885.*

I herewith file in the office of the Secretary of the Commonwealth, with my objections, House bill No. 213, entitled "An act authorizing the courts of common pleas to fix by rule the fees of witnesses."

The fees of witnesses are now fixed by statute law. This bill authorizes the courts to fix the compensation of witnesses by rules to be adopted from time to time. Such a system is not to be commended. It imposes upon the courts duties not strictly judicial, will give rise to want of uniformity, and changes the settled policy of years. It is better in every way, and more in accordance with the established principles of our judicial system, that the published laws of the Commonwealth and not the varying views of the judges should fix the fees to which witnesses should be entitled. Nothing would be gained, and much incongruity might result from the enactment of such a law as the one now proposed.

ROBT. E. PATTISON.

No. 4.

A SUPPLEMENT

To the act regulating lateral railroads.

SECTION 1. *Be it enacted, &c.*, That the provisions of the act of the fifth of May, one thousand eight hundred and thirty-two, entitled "An act regulating lateral railroads," and the several supplements thereto, shall be so construed as to authorize the construction of lateral railroads either under the lands of an intervening owner or owners, or over the surface of the lands of intervening owner or owners, or partly over and partly under such intervening lands, subject to the restrictions of said act as to damages.

SECTION 2. That hereafter the said railroads shall not exceed fifty feet in width, and may be a single or double track railroad with the necessary sidings, wharves, chutes, machinery, fixtures and appurtenances for the delivery of limestone, iron ore and all other minerals, and may connect with any railroad or navigation company; and may be operated by steam or other motive power, and may be either standard or narrow-gauge, or part of either.

SECTION 3. That in the construction of such lateral railroad partly over the surface and partly under intervening lands, the persons constructing

the same may erect and construct the necessary dumps, chutes, weigh-houses, scales and other improvements, appurtenances and fixtures within the fifty feet occupied, either at the point where said lateral railroad intersects with some incorporated railroad or slack-water navigation company's improvement, or at a point where said lateral railroad passes under the intervening lands.

SECTION 4. That the rights and privileges hereby extended, granted or enlarged shall be subject to the restrictions contained in the act to which this is a supplement, as well as the several supplements thereto.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 112, entitled "A supplement to the act regulating lateral railroads."

No one could judge from the title of this bill what its provisions are. No intimation is given by the title as to what this supplement contains, or what, if any, change it makes in the act which it proposes to supplement; moreover, by the title, the bill is called "A supplement to the act regulating lateral railroads," while the body of the bill relates also to all existing supplements as well as to the original act. The title, therefore, is constitutionally defective; first, in not containing a clear statement of the purpose of the bill, and second, in misstating its subject.

These objections are alone fatal to the bill. But, in addition, the provisions of the measure are of themselves unwise and against the public interest. There is no limitation upon the length of lateral railroads in this bill, while existing laws do limit their length. The whole scope of the bill is to enlarge the right to build lateral railroads to such an extent that they in fact become in themselves complete and independent railroad systems, instead of, as originally intended, mere outlets of convenience to enable industrial establishments to reach a public highway. The purpose of the bill is, in my judgment, unwise and against good public policy.

In addition, the bill, while pretending in its title to be a supplement, yet in its first section assumes to construe existing laws. The province of a supplementary act is not to construe the law, but to add to it.

For these various reasons I withhold my signature.

ROBT. E. PATTISON.

No. 5.

AN ACT

For the protection of farmers against the ravages of foxes and wild-cats in the county of Clarion.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, any person or persons who shall kill any fox or wild-cat within the

bounds of the said county of Clarion, and who shall produce the skin of such fox or wild-cat before any justice of the peace of said county, it shall be the duty of said justice to examine said person or persons, on oath or affirmation, touching the time when and the place where such fox or wild-cat was caught and killed, and if the place of such catching and killing shall be found to be within the limits of Clarion county, it shall then be the duty of such justice to give such person or persons a certificate of the facts to the commissioners of said county, and on presentation of the same, together with the scalp or ears of such animal to said commissioners, it shall be their duty to draw their order on the county treasurer for the sum of one dollar for each fox so killed, and two dollars for each wild-cat so killed, and it shall be the duty of said treasurer to pay the same out of money in the treasury appropriated for county purposes.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 119, entitled "An act for the protection of farmers against the ravages of foxes and wild-cats in the county of Clarion."

Section 7 of Article III of the Constitution prohibits the passage of any local or special law regulating the affairs of counties. The bill herewith filed specially regulates the affairs of the county of Clarion, and is obnoxious to the inhibition of the fundamental law above cited. I, therefore, decline to give it my approval.

ROBT. E. PATTISON.

No. 6.

A SUPPLEMENT

To an act entitled "A supplement to an act entitled 'An act to establish an insurance department,' approved the fourth day of April, one thousand eight hundred and seventy-three, providing for the incorporation and regulation of insurance companies, and relating to insurance agents and brokers and to foreign insurance companies," approved the first day of May, Anno Domini one thousand eight hundred and seventy-six, amending the first clause of the first section thereof so as to authorize the incorporation of insurance companies to make insurance either upon the stock or mutual principle against fire, lightning, wind, tornadoes, cyclones, and storms, on all kind of buildings, merchandise, and other property, and empowering all stock and mutual fire insurance companies heretofore incorporated under said act to insure against loss or damage from lightning, wind, tornadoes, cyclones, and storms, as well as fire.

SECTION 1. *Be it enacted, &c.,* That the first clause of the first section of the act of the General Assembly entitled "A supplement to an act entitled

'An act to establish an insurance department,' approved the fourth day of April, one thousand eight hundred and seventy-three, providing for the incorporation and regulation of insurance companies, and relating to insurance agents and brokers and to foreign insurance companies," approved the first day of May, Anno Domini one thousand eight hundred and seventy-six, which reads as follows:

"*First*—To make insurance either upon the stock or mutual principle against fire, on all kinds of buildings, merchandise, and other property, and to effect marine and inland insurance on vessels, cargoes, and freights, and on merchandise and other property in course of transportation," be and the same is hereby amended to read as follows:

"*First*—To make insurance either upon the stock or mutual principle against fire, lightning, wind, tornadoes, cyclones, and storms, on all kinds of buildings, merchandise, and other property, and to effect marine and inland insurance on vessels, cargoes, and freights, and on merchandise and other property in course of transportation."

SECTION 2. All stock and mutual fire insurance companies heretofore incorporated under the said act shall be and are hereby empowered and authorized, and it shall be lawful for them, to insure all kinds of buildings, merchandise, and other property against loss or damage from lightning, wind, tornadoes, cyclones, and storms, as well as fire.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file in the office of the Secretary of the Commonwealth, with my objections, House bill No. 129, entitled "A supplement to an act entitled 'A supplement to an act entitled "An act to establish an insurance department," approved the fourth day of April, one thousand eight hundred and seventy-three, providing for the incorporation and regulation of insurance companies, and relating to insurance agents and brokers and to foreign insurance companies,' approved the first day of May, Anno Domini one thousand eight hundred and seventy-six, amending the first clause of the first section thereof so as to authorize the incorporation of insurance companies to make insurance either upon the stock or mutual principle against fire, lightning, wind, tornadoes, cyclones, and storms, on all kinds of buildings, merchandise, and other property, and empowering all stock and mutual fire insurance companies heretofore incorporated under said act to insure against loss or damage from lightning, wind, tornadoes, cyclones, and storms, as well as fire."

This bill is similar in its import to Senate bill No. 149, entitled "An act to enable fire insurance companies to insure against loss or damage by lightning, wind-storms, tornadoes, or cyclones," which I to-day filed, with my objections thereto, in the office of the Secretary of the Commonwealth. The reasons set forth against that bill are fully applicable to this, and I content myself with referring to them as my reasons for withholding approval from the present enactment.

ROBT. E. PATTISON.

No. 7.

AN ACT

Requiring the State Treasurer to refund the escheated bank deposit of Sarah E. Cook, (now Sarah E. Davis.)

SECTION 1. *Be it enacted, &c.*, That the State Treasurer be and he is hereby authorized and required, immediately after the passage of this act, to refund the escheated bank deposit of two hundred dollars made in the bank of Pittsburgh by Sarah E. Cook, (now Sarah E. Davis.)

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 130, entitled "An act requiring the State Treasurer to refund the escheated bank deposit of Sarah E. Cook, (now Sarah E. Davis.)"

One of the provisions of section 7 of Article III of the Constitution is that the General Assembly shall not pass any local or special law "refunding moneys legally paid into the treasury." This bill clearly falls within this Constitutional interdict and cannot lawfully be enacted.

The beneficiary of the bill, however, will suffer no hardship by this disapproval, as, if she has a good claim against the Commonwealth, she can have it adjusted and paid under the provisions of the general law passed at this session, at the suggestion of the Executive, to cover just such cases as this, and to do away with the necessity for the passage of special bills upon such subjects.

ROBT. E. PATTISON.

No. 8.

AN ACT

To enable fire insurance companies to insure against loss or damage by lightning, wind-storms, tornadoes, or cyclones.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, any insurance company chartered by this Commonwealth or organized under the laws thereof, with power to effect insurance against loss or damage by fire, shall also have power to insure against loss or damage caused by lightning, whether fire ensued or not, or by wind-storms, tornadoes, or cyclones.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 149, entitled "An act to enable fire insurance companies to insure against loss or damage by lightning, wind-storms, tornadoes, or cyclones."

This bill authorizes companies now chartered for the purpose of insuring against loss or damage by fire to also effect insurance against loss or damage caused by lightning, whether fire ensued or not, or by wind-storms, tornadoes, or cyclones.

There could not be any objection to authorizing the formation of separate companies for insuring against loss or damage from the natural causes above enumerated. This bill, however, unites this power with that already possessed by fire insurance companies.

To this extent the bill is, I think, wrong in principle and in contravention of the intent of the act of May 1, 1876, distinguishing the separate purposes for which insurance companies may be formed in this Commonwealth. That act names four classes of such companies, one of which relates entirely to insurance from fire.

The bill before me would destroy the wise intent of the law of 1876, and enable other kinds of insurance to be mingled with fire insurance. It would also enable companies now in existence whose powers and business are limited by their charters to extend them, possibly to the profit, but possibly also to the greater risk of the capital of those who invested on the strength of the limitations of the original charters.

Moreover, it would seem that this act is not necessary for the purpose intended, as the fourth class of insurance companies, provided for in the act of May 11, 1876, appears to authorize the formation of companies for the very objects this bill contemplates.

If this be so, it is itself a reason for not enacting the present bill, and, in connection with the objections above stated against joining fire and other forms of insurance in the same company, induces me to withhold my signature.

ROBT. E. PATTISON.

No. 9.

AN ACT

To provide for the settlement of disputes arising upon contracts with corporations by arbitration.

SECTION 1. *Be it enacted, &c.*, That upon all contracts between any party or parties of the one part and a railroad company, municipal, or other corporation of this Commonwealth, or firm or construction company doing business therein, of the other part, wherein the chief engineer of such company, corporation, or firm or other person named therein is made final arbiter between the parties to any such contract in relation to any disputes arising concerning the same, or any of the provisions thereof, or in relation to the performance of the same, either party thereto aggrieved by any award or decision of such arbiter may appeal from such award or decision there-

on to the court of common pleas of the county where the work was done or being performed under such contract, upon filing in such court an affidavit upon oath or affirmation, stating that such appeal was not intended for delay, but because he or they firmly believe injustice has been done.

SECTION 2. That upon the appeal being entered, either party to said contract and proceedings may serve a notice upon the other party or parties, his or their agent or attorney, to appear upon a day named at the office of the prothonotary of said court to select arbitrators to settle and adjust any questions or matters in dispute in reference to such contract. At which time it shall be lawful for the parties to such contract and proceedings to each select an arbitrator, to whose decision all such questions and matters in dispute shall be submitted and whose decision thereon shall be final and conclusive between the parties, and in case the two arbitrators so chosen cannot agree, it shall be lawful for the two so chosen to select a third person to act with them, and a decision of a majority of the arbitrators thus chosen shall be final and conclusive, and such award, when entered in said court shall have the effect of a final judgment in said court and may be proceeded upon as other judgments therein: *Provided*, That if at the time fixed for the selection of arbitrators either party shall fail to appear to make selection the prothonotary of the said court shall nominate an arbitrator for the absent party, with like effect as if both parties had been present and participated in the selection.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file in the office of the Secretary of the Commonwealth, with my objections, Senate Bill No. 155, entitled "An act to provide for the settlement of disputes arising upon contracts with corporations by arbitration."

This bill provides that where a contract has been made "between any party or parties of the one part and a railroad company, municipal, or other corporation of this Commonwealth, or firm or construction company doing business therein of the other part, wherein the chief engineer of such company, corporation, or firm, or other person named therein is made final arbiter," between the parties as to any dispute arising thereon, either of said parties considering themselves aggrieved by any award or decision of such arbiter may appeal therefrom to the court of common pleas.

This, it seems to me, is an exceedingly unwise and may be a very unjust bill. When parties have by contract agreed to submit any dispute as to said contract to a final arbiter, why should the finality of his finding be disturbed? Ought a railroad or other corporation to be allowed to vex an employé or other person with whom it has dealings by litigation upon a decision which it has agreed shall be final? Is not this bill destructive of the very purpose of such contract and against the interests of the parties least able to bear the cost and trouble of litigation? It seems to me that all the benefits of such contracts would be abrogated by such a bill as the present, and that its effect might be very injurious to some of the parties.

Besides, the act promotes litigation, and for that reason is against sound policy. I therefore decline to give the measure my approval.

ROBT. E. PATTISON.

No. 10.

AN ACT

For the draining of Pymatuning marsh, in the county of Crawford, Pennsylvania.

SECTION 1. *Be it enacted, &c.*, That Thomas Glenn, of Pine township, G. T. Rankin, of Linesville, and David Barickman, of North Shenango township, or any of them, be and they are hereby authorized to hold an election between the hours of ten, *ante meridian*, and five, *post meridian*, of the first Monday in July next, at the town hall in the borough of Linesville, Crawford county, Pennsylvania, to select three commissioners and a treasurer for the purpose hereinafter mentioned, at which all the owners of the lands within the limits of Pymatuning marsh, situate within the said Commonwealth, in the county of Crawford, Pennsylvania, in the township within which it lies from the borough of Hartstown to a point on the Shenango creek necessary to carry off the water, shall be entitled to vote by ballot, and the person receiving the highest number of votes for treasurer shall serve as treasurer for one year, and the person receiving the highest number of votes for commissioner shall serve as commissioner for three years, the next highest for two years, and the third for one year, and if there should be a tie between two or more, they shall determine by lot the period for which each shall serve.

SECTION 2. The commissioners, or any two of them, shall hold an election annually thereafter on the same day and at the place mentioned in the preceding section to select a commissioner to serve for three years, and if there should be a vacancy in the board, also to select another for the unexpired time of the former one, and shall give notice thereof by posting three hand-bills in each township in the most public places thereof not less than fifteen days before the day of the election.

SECTION 3. Should there be a failure of an election after the first required one, the court of quarter sessions of the county, on the application of the continuing commissioners, or of two or more of the land-owners, shall appoint a commissioner to serve until the next regular election, and should there be a vacancy of the entire board, the court shall, on the application of twenty or more of the land-owners, appoint persons thereto, and direct when and by whom an election shall be held and how the persons elected shall serve, and if a vacancy in the board occurs at any time, the other commissioners shall fill the same by a new appointment, and every commissioner shall be duly qualified before a magistrate, or before each other, to an honest and faithful discharge of his duties, both as an officer of the election he may preside over and as a commissioner of the work contemplated by this act, of which proper notice shall be taken in the minutes to be kept by the commissioners of their doings.

SECTION 4. The commissioners shall, within ten days after an election has been held, make return thereof to the clerk of the sessions, with the name of the persons voted for and of those voting, with their certificate, that none

but land-owners within the limits of the swamp were allowed to vote, and the same shall be filed as election returns in other cases.

SECTION 5. The first elected commissioners, or a majority of them, with the commissioners of the county, shall appoint a practical surveyor to make a full and accurate survey of the lands within the limits of the marsh and of those contiguous thereto that shall be benefited by the drainage, and designate the quantity belonging to each owner, and make two diagrams thereof, one to be filed in the office of the county commissioners and the other to be delivered to the other commissioners, and the artists shall be paid such sum as he and the commissioners may agree upon out of the funds hereinafter provided for.

SECTION 6. The commissioners shall annually assess each owner of land surveyed and returned with a sum not over forty cents the acre until the work herein contemplated is completed, and shall collect the same in person or by another on a warrant issued to him, and if the assessment is not paid, the commissioners shall return the land with the amount owing to the county commissioners to be advertised and sold as unseated lands are sold, and subject to all the provisions for redemption, interests and costs in such cases, and the commissioners shall make proper compensation to a collector for services.

SECTION 7. That when two or more of the land-owners adjoining each other in the section to be drained cannot agree as to the proper place for the lateral ditches, it shall be left to the commissioners to locate and describe the same and their action shall be final.

SECTION 8. The moneys to be raised shall be expended by the commissioners in the draining of the swamp land so as to place them in condition that they may be cultivated, and to make Shenango creek accessible and of easy navigation so far as the same is practicable, and in furtherance of their work they may lower the bed of Shenango creek and remove all obstructions in it by which the waters thereof are thrown back.

SECTION 9. The commissioners shall be allowed two dollars the day for each day actually spent by them in their duties as such, and on the day of election in each year shall make a full exhibit under oath to the land owners attending the election of their receipts and expenditures and of the work done, and the electors may select a committee of three persons to examine and audit the account, and if the commissioners are dissatisfied therewith, they may enter their appeal to the next or subsequent court of quarter sessions of the county, who shall hear and determine the same in such way and manner as may be thought best and enforce obedience to all orders and decrees in relation thereto.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill, No. 200 entitled "An act for the draining of Pymatuning marsh, in the county of Crawford, Pennsylvania."

This is a cumbrous bill which, without discussing its details, it is suffi-

cient to say cannot lawfully be passed, as it is clearly prohibited by the clause of section 7, of Article III, of the Constitution, which provides that the General Assembly shall not pass any local or special law regulating the affairs of counties.

ROBT. E. PATTISON.

No. 11.

AN ACT

To authorize any veteran, soldier or sailor to bring suit against any county, borough, or township in this Commonwealth to recover the amount of money to which he became entitled by reason of his being accredited to such county, borough, or township on his re-enlistment to fill the quota of men then or afterwards called for from such county, borough, or township.

SECTION 1. *Be it enacted, &c.*, That any sailor or soldier who reënlisted while in the service of the United States during the war of the Rebellion and was accredited to any county, borough, or township in this Commonwealth to fill the quota of men then or afterwards called for from the same, or when such soldier or sailor by agreement made with any agent of such county, borough, or township, or other person acting for the same, to assist in filling said quota was to have been so accredited on condition that the soldier or sailor so reënlisting and being accredited, or agreeing to be so accredited, should receive the county, borough, or township bounty then offered to veterans by such county, borough, or township, and where such county, borough, or township has failed to pay the amount of money then agreed upon to any soldier or sailor, such soldier or sailor may now bring suit against such county, borough, or township in an action of assumpsit to recover the amount of money which became due and payable by reason of the accredit or agreement to be so accredited as aforesaid. Any law or limitation of time within which actions must be commenced shall be no bar to the commencement or prosecution of the action hereinbefore provided, but any suit for the recovery of the money claimed to be due must be brought within two years from the date of the approval of this act.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill, No. 222, entitled "An act to authorize any veteran soldier or sailor to bring suit against any county, borough, or township in this Commonwealth to recover the amount of money to which he became entitled by reason of his being accredited to such county, borough, or township on his reënlistment to fill the quota of men then or afterwards called for from such county, borough, or township."

This bill removes the bar of the statute of limitations as to any claim of

any soldier or sailor against any county, borough, or township for bounty by reason of his being accredited to any such county, borough, or township, or by reason of agreement made by any agent that they should be so accredited. Twenty years have elapsed since the war closed; these claims have been long barred by statute; many witnesses whose testimony might be vital as a defense to such claims are dead; and now to open the door to innumerable suits against counties, boroughs, and townships would be unwise and liable to much abuse. The courts were open to these suitors as to all others who had any cause of action for six years after their right of action accrued. I see no reason for now changing the general law affecting such claims.

ROBT. E. PATTISON.

No. 12.

AN ACT

Regulating the amendment of and proceedings upon municipal claims in cities of the first class.

SECTION 1. *Be it enacted, &c.*, That wherever a municipal claim in any city of the first class has heretofore been filed or hereafter may be filed, and it shall at any time before or on the trial of such claim be made to appear to the court by affidavit or otherwise that a mistake has been made in the claim in regard to the description or location of the property or any other essential matter or thing, it shall be the duty of the court on motion or rule to permit the claim, and all the proceedings thereon to be amended so as to conform to what was intended.

SECTION 2. That in all cases in any city of the first class where suit has been or hereafter may be commenced on any municipal claim, and final judgment within five years from the time of the commencement of such suit has been delayed or prevented by reason of the defendant or others making defense therein, such suit shall not abate or be defeated by reason of the lapse of time, but the same may be prosecuted to final judgment and the property taken in execution the same as if said judgment had been obtained within five years from the time of the commencement of the suit: *Provided*, That this act shall not apply to or be of any avail as against *bona fide* purchasers for value, or the owner or owners of any other interest or interests acquired *bona fide* therein, without notice of the claim or any proceedings thereon.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 224, entitled "An act regulating the amendment of and proceedings upon municipal claims in cities of the first class."

The first section of this bill allows any municipal claim which has here-

tofore or may be hereafter filed in any city of the first class, and in which a mistake has been made in regard to the description or location of the property, or any other essential matter or thing, to be amended "so as to conform to whatever was intended." This is an exceedingly dangerous provision. One might purchase property which the record showed to be clear and free from municipal claims. Afterwards, however, a claim on record against another property might be so amended as to be made a lien upon the property purchased in the belief that it was unincumbered estate. The language of the bill as to the amendments allowed is so wide and sweeping as to permit of any correction either in substance or form.

The second section would seem to allow municipal claims to be liens without revival after five years have expired, where the claims are in litigation upon defense made. This would require searches to be taken out for more than five years, and would add difficulties and risks to the transfer of real estate in the city of Philadelphia.

These provisions I regard as ill-considered and liable to abuse. It is true the bill contains a proviso that the act should not apply to *bona fide* purchasers for value, but nevertheless I consider the measure an unwise and unnecessary one for the reasons above given, in which I am confirmed by the protests that have reached me from lawyers and judges familiar with the subject in the city of Philadelphia.

ROBT. E. PATTISON.

No. 13.

AN ACT

To prevent swine from running at large in Greene county.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, no swine shall be suffered to run at large or upon the public roads or highways in the county of Greene, under a penalty of one dollar for each head of swine so suffered to run at large for each offense.

SECTION 2. That any owner or owners, person or persons, who shall suffer or permit any swine to so run at large shall forfeit and pay a penalty of one dollar for each head of swine so suffered or permitted to run at large, to be sued and recovered as debts of like amount are by law recoverable.

SECTION 3. No action for the recovery of any penalty under this act shall be sustained unless the same shall be commenced within three months of the forfeiture thereof.

SECTION 4. That the owner of any swine running at large or upon the public roads or highways in the county of Greene shall, in addition to the penalties imposed by this act, be liable for all damages done by any of said swine so running at large, to be recovered in an action of trespass by the party injured without regard to the ownership of the land so trespassed upon or whether the same is fenced or unfenced.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 253, entitled "An act to prevent swine from running at large in Greene county."

This is a special bill, regulating the affairs of the county of Greene, and its enactment is prohibited by section 7 of Article III of the Constitution, prohibiting the passage of local or special laws regulating the affairs of counties.

ROBT. E. PATTISON.

No. 14.

AN ACT

To empower the supervisors and auditors of Butler township, in the county of Schuylkill, to levy a special tax for the payment of certain expenses incurred in said township during the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

WHEREAS, A contagious and infectious disease known as small-pox spread in various parts in the township of Butler, in the county of Schuylkill, during the winter of one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four, which endangered the health and lives of the inhabitants of said township and surrounding territory;

And whereas, The supervisors and auditors of the said township of Butler contracted a debt of six hundred dollars for medical attendance, medicines, etc., to prevent the spread of the said contagious and infectious disease, which amount is now due and unpaid; therefore,

SECTION 1. *Be it enacted, &c.*, That the supervisors and auditors of Butler township, in the county of Schuylkill, be [empowered and they are hereby authorized to levy a tax not exceeding one mill, or so much thereof as may be necessary, on the assessed valuation of said township, to be collected as road taxes are now collected by law: *Provided*, That the taxes collected under this act shall be paid to the prothonotary of the said county of Schuylkill, to be paid by him on orders signed by the supervisors and approved by the auditors of the said township of Butler for expenses incurred in preventing the spread of contagious and infectious disease in said township during the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four.

CHAUNCEY F. BLACK,
President of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 264, entitled "An act to empower the supervisors and auditors of Butler township, in the county of Schuylkill, to

levy a special tax for the payment of certain expenses incurred in said township during the years one thousand eight hundred and eighty-three and one thousand eight hundred and eighty-four."

This is a local law relating to a single township in Schuylkill county, and its enactment is prohibited by the clause of section 7 of Article III of the Constitution which provides that "the General Assembly shall not pass any local or special law * * regulating the affairs of counties, cities, townships, wards, boroughs, or school-districts." Such special legislation is absolutely prohibited by the Constitutional provisions, cited and advertising cannot help it to validity.

ROBT. E. PATTISON.

No. 15.

AN ACT

To amend an act entitled "An act relating to the taxes assessed upon dogs in the city of Lock Haven, appropriating said taxes to the Lock Haven Library Company," approved the tenth day of March, Anno Domini one thousand eight hundred and seventy-one.

SECTION 1. *Be it enacted, &c.*, That the act entitled "An act relating to the taxes assessed upon dogs in the city of Lock Haven, appropriating said taxes to the Lock Haven Library Company," approved the tenth day of March, Anno Domini one thousand eight hundred and seventy-one, which now reads as follows:

"That from and after the passage of this act, the taxes assessed upon all dogs within the limits of the city of Lock Haven shall be paid to the Lock Haven Library Company instead of the sheep fund, as heretofore provided by law, and that all laws inconsistent herewith be and the same are hereby repealed," be and the same is hereby amended so as to read as follows:

"That from and after the passage of this act, the taxes assessed upon all dogs within the limits of the city of Lock Haven shall be appropriated for common school purposes in said city, and that all laws inconsistent herewith be and the same are hereby repealed."

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 408, entitled "An act to amend an act entitled 'An act relating to the taxes assessed upon dogs in the city of Lock Haven, appropriating said taxes to the Lock Haven Library Company,'" approved the tenth day of March, Anno Domini one thousand eight hundred and seventy-one.

By the law of March 10, 1871, the taxes on dogs in the city of Lock

Haven are directed to be paid to the Lock Haven Library Company. This bill amends the act by providing that hereafter said tax shall be appropriated for common school purposes in said city. The bill violates section 7 of Article III of the Constitution, which provides that the General Assembly shall not pass any local or special law "regulating the affairs of counties, cities, townships, wards, boroughs, or school-districts." The act of 1871, which this bill amends, is a special law regulating the affairs of the city of Lock Haven, and could not now be lawfully enacted because of the Constitutional provision just cited. For the same reason, that act cannot now be amended, for the amendment is as special as the original act. Neither does advertising help the bill. It specially regulates the affairs of a city, and such enactments are absolutely prohibited by the Constitution.

ROBT. E. PATTISON.

No. 16.

AN ACT

To authorize Porter township, Schuylkill county, to borrow money for the payment of its indebtedness.

SECTION 1. *Be it enacted, &c.*, That the supervisors of Porter township, in the county of Schuylkill, be and they are hereby authorized and empowered to borrow money for the payment of its present indebtedness not exceeding the sum of twenty-five thousand dollars, and to issue therefor, on the credit of said township, a bond or bonds of not less than one hundred dollars each, bearing interest at a rate not exceeding six per centum per annum.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 419, entitled "An act to authorize Porter township, Schuylkill county, to borrow money for the payment of its indebtedness." This bill is a local measure relating to the single township of Porter, in the county of Schuylkill, and its enactment is prohibited by the clause of section 7, Article III, of the Constitution, which provides that "the General Assembly shall not pass any local or special law * * * * regulating the affairs of counties, cities, townships, wards, boroughs, or school-districts." For this reason I withhold my approval.

ROBT. E. PATTISON.

No. 17.

A FURTHER SUPPLEMENT

To an act entitled "An act to provide revenue by taxation," approved the seventh day of June, one thousand eight hundred and seventy-nine, repealing the tax on certain manufacturing corporations and amending the fourth section of a supplement to said act entitled "A supplement to an act to provide revenue by taxation," approved the tenth day of June, one thousand eight hundred and eighty-one.

SECTION 1. *Be it enacted, &c.*, That the taxes laid upon manufacturing corporations by and under the revenue laws of this Commonwealth be and the same are hereby abolished as to such corporations, and the laws under which such taxes are laid and collected be and the same are hereby repealed so far, and so far only, as they apply to and affect manufucturing corporations: *Provided*, That the provisions of this act shall not apply to corporations engaged in the manufacture of malt, spiritous or vinous liquors, or in the manufacture of gas.

SECTION 2. This act shall go into effect immediately, reserving and excepting unto the Commonwealth, the right to collect any taxes accrued under the laws repealed by this act.

SECTION 3. That the fourth section of an act entitled "A supplement to an act, entitled 'An act to provide revenue by taxation,'" approved the seventh day of June, one thousand eight hundred and seventy-nine, which reads as follows:

"SECTION 4. It shall be the duty of the president or cashier of every bank or savings institution incorporated under the laws of this Commonwealth or of the United States and doing business in this Commonwealth failing to pay in the six-mill tax as aforesaid, to make report in writing to the Auditor General on or before the twentieth day of June in each year, stating specifically the amount of capital stock and the amount paid in, a full and complete list of the shareholders of such bank or savings institution, with their residence and number and par value of shares of stock held by each person respectively, value of said stock in the market, where such bank is located, during the year ending with the twentieth day of June, which report shall be verified by the oath of the president or cashier, taken before some officer authorized to administer oaths; and the said president or cashier shall also furnish a duplicate original of said report to the commissioners of the proper city or county in which such bank or institution is located, to be used by them for the purpose of assessing all taxes against said shareholders. The Auditor General shall have power to inquire into the value of such stock, and either abate or increase the assessment as may be just. If the said bank officer shall neglect or refuse to furnish the reports aforesaid as above required, it shall be the duty of the Auditor General to require the said officers to appear before him in person, with the books and accounts of the said bank or savings institution, for interrogation and examination, and the Auditor General shall have power to issue subpœnas and attachments, to be served by any constable or sheriff, and to compel the attendance of such bank officer and the production of such books and papers as he may deem necessary to make a correct list of the shareholders, with their residences and the number and value of their shares, and the said Auditor General may settle an account in the usual mode against the individual shareholders for the State tax of four mills, and proceed to collect the same according to law, and he shall also transmit the lists and assessments made by him to the commissioners of the proper

cities and counties, to be used by them in assessing taxes against the said shareholders," be amended so as to read as follows:

SECTION 4. That it shall be the duty of the president and cashier of any bank or savings institution incorporated under the laws of this Commonwealth or of the United States and doing business in this Commonwealth failing to pay in the six-mill tax as aforesaid to make report in writing to the Auditor General on or before the twentieth day of June in each year, stating specifically the amount of capital stock and the amount paid in, a full and complete list of the shareholders of such bank or savings institution, with their residence and the number and par value of the shares of stock held by each person representing the market value of said stock, according to the best of their judgment, in the market where such bank or savings institution is located, during the year ending with the twentieth day of June, which report shall be verified by the oath or affirmation of said president or cashier, taken before some officer authorized to administer oaths, and the said president or cashier shall also furnish a duplicate original of said report to the commissioners of the proper city or county in which said bank or savings institution is located, to be used by them for the purpose of assessing all taxes due upon said stock against the said stockholders. The Auditor General shall have power to inquire into the market value of such stock, and either abate or increase the same as may be just. If the said president or cashier shall neglect or refuse to furnish the said report as above required, it shall be the duty of the Auditor General to require the said officers to appear before him in person, with the books and accounts of the said bank or savings institution, for interrogation and examination, and the Auditor General shall have power to issue subpœnas and attachments, to be served by any constable or sheriff, and to compel the attendance of such president and cashier and the production of such books and papers as he may deem necessary to make a correct list of the shareholders, with their residences and the number and value of the shares held by them respectively, and the said Auditor General may settle an account in the usual mode against the individual shareholders for the State tax of four mills, and proceed to collect the same according to law, and he shall also transmit the list and assessments made by him to the commissioners of the proper cities and counties, to be used by them in assessing said taxes against the said shareholders, and any president or cashier of any bank or savings institution neglecting or refusing to furnish the said report, or to do and perform any of the matters and things required of him by this act, shall be liable to a penalty of one thousand dollars, and any bank or savings institution refusing to permit the said president or cashier to make the said reports, or to produce its books and accounts as above required, shall be liable to a like penalty of one thousand dollars, and the Auditor General may settle an account against the president and cashier so neglecting or refusing to make report as aforesaid, or against the bank or savings institution refusing to permit the making of said report or the production of its books and papers as aforesaid, and proceed for the collection of said penalties for the use of the Commonwealth in the same manner as taxes are now recoverable by law.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 514, entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, one thousand eight hundred and seventy-nine, repealing the tax on certain manufacturing corporations, and amending the fourth section of a supplement to said act entitled 'A supplement to an act to provide revenue by taxation,' approved the tenth day of June, one thousand eight hundred and eighty-one."

The provisions of this bill are all substantially, if not literally, contained in House bill No. 513, entitled "A further supplement to an act entitled 'An act to provide revenue by taxation,' approved the seventh day of June, one thousand eight hundred and seventy-nine," which this day became a law by my signature.

To duplicate this legislation would merely burthen the statute-book, without any corresponding advantage.

ROBT. E. PATTISON.

No. 18.

AN ACT

Authorizing the State Treasurer to refund to George M. Ramsey collateral inheritance tax paid in error.

WHEREAS, George M. Ramsey, executor of the estate of William Ramsey, deceased, late of Washington county, has paid seventy-eight dollars and eighty-seven cents of collateral inheritance tax in excess of the amount due from said estate; therefore,

SECTION 1. *Be it enacted, &c.*, That the State Treasurer be and is hereby authorized to refund to George M. Ramsey, executor of the estate of William Ramsey, deceased, seventy-eight dollars and eighty-seven cents, the amount of collateral inheritance tax so paid in excess.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 566, entitled "An act authorizing the State Treasurer to refund to George M. Ramsey collateral inheritance tax paid in error."

This bill violates the clause of section 7 of Article III of the Constitution which prohibits the passage of any local or special law "refunding moneys legally paid into the treasury." The bill before me is a special one, and is to refund money lawfully paid into the treasury. The General Assembly, therefore, is not legally competent to enact such a measure as the present one, because of the Constitutional prohibition cited.

ROBT. E. PATTISON.

No. 19.

AN ACT

[For the relief of the estate of Rosina Sterrett, deceased, late of the county of Erie.

WHEREAS, Rosina Sterrett, of Erie county, Pennsylvania, died during the year one thousand eight hundred and eighty-one, leaving an estate subject to collateral inheritance tax to the amount of six thousand six hundred and nineteen dollars and fifty cents, which collateral inheritance tax, amounting to three hundred and fourteen dollars and forty-three cents, was duly paid by the executor of said estate;

And whereas, After the payment of said tax a certain claim, together with costs, being two thousand dollars, supposed at the time of the settlement of said estate to be uncollectible, was recovered from the said estate in an action brought therefor, reducing the amount of the estate subject to said tax from six thousand six hundred and nineteen dollars and fifty cents to about four thousand six hundred and nineteen dollars and fifty cents;

And whereas, It thus appears that the executor of said estate over paid the amount of the aforesaid tax due in the sum of one hundred dollars; therefore,

SECTION 1. *Be it enacted, &c.*, That the Auditor General be and he is hereby directed to audit and settle the claim of the said estate, and on the proper proofs and vouchers for said excess of collateral inheritance tax being filed, and it being clearly shown to him that an excess of tax has been paid by the said estate, to issue a warrant on the Treasurer of this Commonwealth for the repayment to said estate of whatever amount of tax so appears to have been over paid, not exceeding the sum of one hundred dollars.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *June 30, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 579, entitled "An act for the relief of Rosina Sterrett, deceased, late of the county of Erie."

This bill provides for the refunding to the estate of Rosina Sterrett of one hundred dollars, being the amount of collateral inheritance tax alleged to have been erroneously paid into the treasury from said estate. The bill recites that after the payment of collateral inheritance tax by the estate a claim with costs was recovered against it, thus reducing, by about one hundred dollars, the amount of such tax legally due the Commonwealth. The Constitution, in section 7 of Article III, provides that "the General Assembly shall not pass any local or special law refunding moneys lawfully paid into the treasury." This bill falls within that prohibition, and, however meritorious this particular claim may be, it cannot be legislated about in the manner here proposed. The General Assembly, in conformity with the evident intent of the Constitution, should pass a general law for the adjustment of such claims, as was done at the present session in the case of escheats.

ROBT. E. PATTISON.

No. 20.

AN ACT

To enable the citizens of the United States and corporations chartered under the laws of this Commonwealth and authorized to hold real estate, to hold and convey title which had been held by aliens and corporations not authorized by law to hold the same.

SECTION 1. *Be it enacted, &c.*, That where any conveyances of real estate in this Commonwealth have been heretofore or shall hereafter be made by any alien or any foreign corporation or corporations of another or of this State to any citizen of the United States, or to any corporation chartered under the laws of this Commonwealth and authorized to hold real estate, before any inquisition shall have been taken against the real estate so held or writ of *quo warranto* issued to escheat the same, such citizens or corporation grantee as aforesaid shall hold and may convey such title and estate indefeasibly as to any right of escheat in this Commonwealth by reason of such real estate having been held by an alien or corporation not authorized to hold the same by the laws of this Commonwealth.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 1, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 9, entitled "An act to enable the citizens of the United States and corporations chartered under the laws of this Commonwealth and authorized to hold real estate to hold and convey title which had been held by aliens and corporations not authorized by law to hold the same."

This bill is both retroactive and prospective. It validates all titles heretofore made or that may hereafter be made of real estate by aliens or foreign corporations or corporations of another or of this State to any citizen of the United States, or any corporation chartered by this State and authorized to hold real estate, notwithstanding the said real estate may be liable to escheat to the Commonwealth, if proceedings were not begun or shall not be begun to enforce such escheat before conveyance made. Just what the purpose of this bill is it is difficult to say. It may effect some case now pending to escheat such real estate and would completely debar the Commonwealth from asserting its sovereign right in any such case that may occur in the future. Why should this be done? Why should the doctrine of escheats applying to all other citizens be changed for the class of corporations named? Above all, why should the general doctrine that the statute of limitation does not run against the sovereign be reversed in these cases? This bill, which takes in all rights of escheat in the Commonwealth now accrued or that may hereafter accrue, may reach matters and corporate privileges of wide-spread importance. Such retroactive legislation is always dangerous and almost of necessity gives rise to the suspicion that it is intended to effect some pending case. At all events, I am not willing

to waive important rights of the Commonwealth without clear knowledge of just what cases and how many are included in the proposed legislation.

ROBT. E. PATTISON.

No. 21.

AN ACT

To pay a pension to Mrs. Alice Care, the mother of Corporal William T. Care, who lost his life in the military service of the State.

WHEREAS, Corporal William T. Care, the son and support of his parents, lost his life in the military service of the State at Scranton, in April, one thousand eight hundred and seventy-one;

And whereas, By an act approved May thirteenth, Anno Domini one thousand eight hundred and seventy-one, a pension of eight dollars per month was ordered to be paid to his father, John Care;

And whereas, The said John Care died on the third day of June, one thousand eight hundred and seventy-eight, leaving a widow, Mrs. Alice Care, the mother of the said William T. Care, in destitute circumstances and without means of support; therefore,

SECTION 1. *Be it enacted, &c.*, That the State Treasurer be and he is hereby authorized and required to pay to Mrs. Care a pension of seventy-five dollars per year, so long as she remains a widow of said John Care, payable semi-annually, commencing on the first day of July, Anno Domini eighteen hundred and eighty-one.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 1, 1885.*

I hereby file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 91, entitled "An act to pay a pension to Mrs. Alice Care, the mother of Corporal William T. Care, who lost his life in the military service of the State."

William T. Care lost his life in the military service of the State in April, 1871. By an act passed May 18, 1871, a pension was given by the State to his father, John Care. John Care died in June, 1878. This bill gives a pension to John Care's widow, the mother of William T. Care. She is represented to be in indigent circumstances. Under the 18th section of Article III of the Constitution, no appropriation can be made to any person for charitable or benevolent purposes, except by way of pensions or gratuity in requital for military services. The beneficiary of this bill, the mother of William T. Care, performed no military service, and an appropriation cannot be made to her for any reason of charity or benevolence. I therefore decline to give the bill my approval. I refer, in further support of these views, to my former disapproval of similar bills at the session of 1883 and at the present session.

ROBT. E. PATTISON.

No. 22.

AN ACT

Granting an annuity to Elmira P. Mullen, mother of S. J. F. Mullen, deceased, late a private in company E, First regiment, National Guard of Pennsylvania.

WHEREAS, S. J. F. Mullen, a private in company E, First regiment, National Guard of Pennsylvania, while in the service of the State with his company at Pittsburgh, July twenty-first, one thousand eight hundred and seventy-seven, received an injury to the right knee-cap resulting in a consequent amputation of the right leg, for which he was granted an annuity of ninety-six dollars and a gratuity of one hundred dollars, by an act of Assembly of July seventh, one thousand eight hundred and seventy-nine;

And whereas, The said S. J. F. Mullen died March thirty-first, Anno Domini one thousand eight hundred and eighty-two, leaving a widowed mother about sixty years of age; therefore,

SECTION 1. *Be it enacted, &c.*, That Elmira P. Mullen, mother of S. J. F. Mullen, deceased, late a private in company E, First regiment, National Guard of Pennsylvania, shall receive an annuity of ninety-six dollars, to be paid by the State Treasurer semi-annually, on the first days of July and January from any money not otherwise appropriated.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR.
HARRISBURG, *July 1, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 128, entitled "An act granting an annuity o Elmira P. Mullen, mother of S. J. F. Mullen, deceased, late a private in ompany E, First regiment National Guard of Pennsylvania."

A bill identical with this in every particular was passed by the General Assembly at the session of 1883, and received my disapproval in a message o the Senate on May first of that year. The Senate then sustained the Executive disapproval. The beneficiary of the bill, the mother of a National Guardsman, performed no military services, and therefore an appropriation cannot be made to her for benevolent or charitable purposes under ection 18, Article III, of the Constitution. I refer to my message to the Senate May 1, 1883, for my reasons at length for withholding my signaure from this bill.

ROBT. E. PATTISON.

No. 23.

AN ACT

o prescribe the manner by which the courts may divide wards in boroughs into election districts.

SECTION 1. *Be it enacted, &c.*, That the several courts of quarter sessions

shall have authority within their respective counties to divide boroughs into election districts, to divide any ward already erected into two or more election districts, to erect new election districts of parts of two or more adjoining election districts in boroughs, to alter the lines of any two or more adjoining election districts in boroughs, so as to suit the convenience of the inhabitants thereof, and to cause the lines or boundaries to be ascertained and established.

SECTION 2. That upon application by petition of at least twenty freeholders, resident in the borough, ward, or election districts to a court of quarter sessions, for the purpose of dividing any borough into election districts, of dividing any ward already erected into two or more election districts, of erecting new election districts of parts of two or more adjoining districts in boroughs, of altering the lines of any two or more adjoining election districts in boroughs, or of ascertaining and establishing the lines or boundaries of any election districts in boroughs, the said court shall appoint three impartial men to inquire into the propriety of granting the prayer of the petition. And it shall be the duty of the commissioners so appointed to give at least five days' notice of the time and place of their meeting by at least ten written or printed hand-bills, posted in as many conspicuous public places of the borough, ward, or district. The commissioners shall be sworn or affirmed to fulfill the duties of their appointment with fidelity and impartiality, and shall make report to the court in writing, to be signed by them or a majority of them, stating therein explicitly their opinion on the expediency or necessity of the erection proposed, and there shall be attached to the report, if possible, a draft or plot showing the line or lines of the new district or districts proposed to be erected, and of the lines to be established.

SECTION 3. The report shall be filed with the clerk of the quarter sessions within ten days after the same has been adopted, and by the clerk presented to the court upon its first day of session thereafter, when it shall receive *nisi* confirmation. It shall be the duty of the clerk, immediately upon the report being filed, to give notice thereof, in one newspaper of the county, of the day when the same will be presented for *nisi* confirmation, and that said confirmation will be made absolute unless exceptions be filed thereto within twenty days from the presentation of the report to the court; should exceptions be filed within the time specified, they shall be disposed of on evidence as the court may deem just. A review may be granted at any time before final confirmation of the report, but only when in the opinion of the court it is necessary for a fair adjudication of the question of the erection of any new district, alteration, or establisnment of lines.

SECTION 4. The compensation of the commissioners shall be the same as that paid to road-viewers, and shall be paid in the same manner.

JAMES. L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 1, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 137, entitled "An act to prescribe the manner by which the courts may divide wards in boroughs into election districts."

I decline to approve this bill because of a doubt that it gives rise to as to whether it does not permit an election district to be formed of parts of two or more districts in different wards. The language of the bill upon this subject is that the court may "erect new election districts of parts of two or more adjoining election districts in boroughs," and "to alter the lines of any two or more adjoining election districts in boroughs." These words admit of the construction that parts of several wards might be taken to form one district. If this could be done, great confusion and inconvenience would result in the elections, and because of the want of clearness of the bill upon this subject, I withhold my approval.

ROBT. E. PATTISON.

No. 24.

AN ACT

Granting an annuity to Catharine Page, widow of Thomas Page, deceased, late a corporal in company K, Seventh Pennsylvania regiment militia of one thousand eight hundred and sixty-two.

WHEREAS, Thomas Page enlisted in company K, Seventh Pennsylvania regiment, in one thousand eight hundred and sixty-two, on September tenth, one thousand eight hundred and sixty-two, and was honorably discharged from said company and regiment September twenty-sixth, one thousand eight hundred and sixty-two;

And whereas, Said Thomas Page, whilst engaged in the line of his duty in the defense of his State, contracted cold at or near Hagerstown, Maryland, on or about September twentieth, one thousand eight hundred and sixty-two, which settled on his lungs and caused his death on the twenty-sixth day of April, one thousand eight hundred and sixty-three, in the city of Philadelphia, leaving a widow, Catharine Page, dependent on him for support, and who has not since married;

SECTION 1. *Be it enacted, &c.*, That Catharine Page, widow of Thomas Page, deceased, late corporal in company K, Seventh Pennsylvania regiment militia of one thousand eight hundred and sixty-two, shall receive an annuity of ninety-six dollars so long as she shall remain the widow of Thomas Page, to be paid by the State Treasurer semi-annually, on the first days of July and January, from any money not otherwise appropriated: *Provided*, That the pension herein granted shall cease upon the payment to her of a pension by the United States.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 1, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 159, entitled "An act granting an annuity to Catharine Page, widow of Thomas Page, deceased, late a corporal in company K, Seventh Pennsylvania regiment militia of one thousand eight hundred and sixty-two."

This bill provides for the payment of an annual pension to the widow of a soldier, who, the bill recites, while in the military service contracted a cold that settled on his lungs and ultimately caused his death. His widow not having performed any military services cannot have any money appropriated to her, because of the prohibition contained in section 18 of Article III of the Constitution. For this reason I decline to give the measure my approval.

ROBT. E. PATTISON.

No. 25.

AN ACT

Granting a pension to Ellen Ginley, widow of the late Captain James Ginley.

WHEREAS, James Ginley, late captain in the Ninth regiment, National Guard of Pennsylvania, company H, was, while in the discharge of his duties as a soldier in the State encampment of the said guards at Philadelphia, Anno Domini one thousand eight hundred and eighty, attacked by a severe cold, which ultimately settled on his lungs and produced consumption, from which he died on the sixteenth day of October, one thousand eight hundred and eighty-three, leaving to survive him a widow, Ellen Ginley, and one minor child, therefore,

SECTION 1. *Be it enacted, &c.*, That the State Treasurer be authorized and required to pay out of any money in the treasury not otherwise appropriated to said Ellen Ginley, the sum of ninety-six dollars annually in quarterly payment, for the period of her natural life, or so long as she remains a widow.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 1, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 585, entitled "An act granting a pension to Ellen Ginley, widow of the late Captain James Ginley."

This bill recites that James Ginley, a member of the National Guard of the State, was with his company at the annual encampment at Philadelphia in 1880; that while there he contracted a severe cold; that this cold "ultimately settled on his lungs and produced consumption, from which he died on the 16th of October, 1883, leaving a widow and minor child to survive him." To this widow the bill appropriates a pension of ninety-six dollars yearly during her natural life, so long as she remains his widow.

Aside from the question whether the death of James Ginley resulted from such military services as is contemplated by the Constitution, it is perfectly clear that his widow cannot lawfully be made the recipient of a pension from the State. The eighteenth section of Article III of the Constitution provides that "no appropriation except for pensions or gratuities for military services shall be made for charitable, educational, or benevolent purposes to any person or community." This widow did not perform any military services, and under the above section of the Constitution no appropria tion can be made to her as a matter of charity or benevolence. This view is in consonance with that suggested by my distinguished predecessor, Governor Hoyt, and was adopted by me in such matters at the session of 1883. For a full statement of my view of the law upon this subject, I refer to my disapproval of Senate bill No. 7 of the session of 1883, communicated to the Senate on the first day of May, 1883. I may also say that the Senate then sustained the views of the Executive.

ROBT. E. PATTISON.

No. 26.

AN ACT

For the better protection of the wages of labor, and providing the manner in which the same may be collected.

SECTION 1. *Be it enacted, &c.*, That for the purpose of this act, wages shall be defined and considered as the compensation of labor in all cases where the contract between the employer and employé is performed by the employé's own hand, whether the same is to be paid by the day, week, month, or year, or by the piece, number, quantity, or quality of the article, thing, or substance made or worked upon, or by any other measure whatsoever, and shall include all such compensation not directly a profit on the labor of another. And a laborer under this act shall be deemed to be any one performing such contract as aforesaid, whether he or she be skilled or unskilled, and may be engaged in any work, mining, manufacturing, agricultural, menial, domestic, or any other kind of occupation whatsoever, wherein manual labor is employed.

SECTION 2. That in all cases where it becomes necessary for any person protected by this act to invoke the provisions of the same, and any dispute shall arise between employer and employé, or other creditor or creditors of the employer, it shall be the duty of the person or persons charged with the duty of the protection of wages, as hereinafter provided, to retain sufficient amount of money in his or their hands to answer the proper demands of such laborer at the determination of the amount due him or her, with any costs which may be adjudged him or her in the determination of the same, and pay the same as hereinafter provided.

SECTION 3. That wages to the amount of, or in the value of two hundred dollars, the whole or any part earned at any time within one year immediately preceding the invocation of the provisions of this act, shall be protected as hereinafter provided, and no note, due bill, or other written security or evidence of the whole or any part of such wages, whether bearing interest or not, shall be deemed to be a bar to the protection of this act in the hands of such employé, or his or her assigns, but the same shall

be preferred and paid as if the said note, due bill, or other written instrument had not been taken. And in any case where there shall not be sufficient money or property to pay all the claims of labor made upon the same under the provisions of this act, then each claim shall receive *pro rata* according to its amount without regard to priority or presentation, demand or notice.

SECTION 4. That the wages of labor, as defined by this act, shall be protected and paid in the following manner, namely:

I—IN CASES OF WRITS OF EXECUTION, ET CETERA.

In any case when any constable, sheriff, or coroner or any deputy of such officer shall hereafter be charged with the execution of any writ to sell the personal property of any defendant for any debt or demand not founded upon a contract for such labor as is protected by this act, or any person executing a landlord's warrant, or in case of attachment or any other writ for the seizure of personal property, any one having a claim against the defendant in such writ or warrant for the wages of labor protected by this act may give to such officer or other person charged with such writ or warrant, at any time prior to the actual sale of such property, a notice in writing of the amount of such wages claimed, when the same were earned, the nature and circumstances of the employment, and how such wages were to be paid, as to time, price, quantity, et cetera, and the officer or other person charged with the writ or warrant aforesaid shall first sell sufficient of the personal property of such debtor to pay such claim before any property is sold, to apply to such writ, and no claim of any landlord for rent in arrear shall have preference over such claim for wages, but such claim shall be first paid: *Provided*, That a claim for wages under this act may be made in the case of the sale of any personal property liable to be seized under the laws of this Commonwealth for the satisfaction of such claim for wages, if the same had been duly prosecuted to judgment and execution issued and levy made upon such property.

SECTION 5. That in case the claim for wages as aforesaid shall be disputed in any way by the employer, or the execution creditor or other person legally interested in the same, it shall be the duty of the officer charged with the execution aforesaid, of a constable or his deputy, to pay the amount collected for the said claim, or, in case of several labor claims with insufficient property, to pay all in full, the *pro rata* share of such disputed claim as if undisputed, together with sufficient costs, are likely to accrue to the claimant upon the establishment of his claim as herein directed to the justice of the peace, alderman, or magistrate from whom the execution issued, whose duty it shall be to forthwith enter an action upon his docket in the name of the claimant as plaintiff and his employer or employers as defendants, as in case of summons, and shall thence proceed in the matter, with due notice to the defendant or defendants according to law, as if such suit had been originally brought before him, and he shall thence proceed to judgment as to right and justice pertain, which judgment shall be subject to appeal to the court of common pleas of the proper county as provided in like cases, and in case the judgment of the said justice of the peace, alderman, or magistrate shall not be appealed from, then the said justice of the peace, alderman, or magistrate shall pay over the amount raised as aforesaid according to the effect of said judgment; but if an appeal is taken, then he shall pay the said amount into the court of common pleas, at the filing of the appeal there to follow final judgment and be paid accordingly, and any judgment entered by any justice of the peace, alderman, or magistrate

as aforesaid, or by any court upon appeal, shall have the same effect and all the incidents of a judgment obtained in the ordinary way: *Provided*, That an appeal may be taken as herein provided by the execution creditor aforesaid, or any other person legally interested in the same: *And provided further*, That in any case where a disputed claim shall have been returned by a constable and it shall be found by the justice of the peace, alderman, or magistrate to whom returned that the amount of the same is beyond his jurisdiction, he shall certify the facts and pay the amount of money reserved for the same to the next court of common pleas of the county whereupon a summons shall issue in usual form in an action of assumpsit, in which the claimant shall be made plaintiff and the employer or employers made defendant or defendants, and the matter shall there be determined as to right and justice pertain, and the money reserved as aforesaid shall be paid accordingly. And in case the property is seized on a landlord's warrant, the person charged with the same shall, upon like dispute, pay the money to any justice of the peace, alderman, or magistrate of the city, borough, or township in which the demised premises are situated, thence to be proceeded in as in cases of execution to a constable; and in case the said officer shall be a sheriff or coroner, or the deputy of either, he shall pay the money into court as in cases of dispute arising in the application of money upon writs of *fieri facias*, thence to be determined according to law.

Section 6. In the case of the sale of any real estate upon execution under like circumstances, the proceedings shall be the same as in the sale of personalty by a sheriff or coroner, but no claim of wages shall be protected as against liens entered prior to the accruing of such claim for wages, or against mechanics' liens, other liens founded on indebtedness for labor, owelty, or purchase money of real estate.

II—In Assigned Estate for Benefit of Creditors.

Section 7. That in all cases of assignment of real or personal property for the benefit of creditors, it shall be lawful for any laborer protected by the provisions of this act to present his claim in writing, as in case of writs of execution, at any time prior to the final distribution of the said assigned estate, and the same shall have preference in said distribution over all other claims whatsoever, liens upon assigned real estate existing prior to the incurring of the said indebtedness, for wages, liens founded upon indebtedness for wages owing mechanics' liens, liens for owelty, and purchase money of the assigned real estate only excepted: *Provided*, That in case of any dispute as to such claim for wages by any person legally interested therein, it shall be the duty of the claimant to resort to his action at law to establish his claim, or the auditor distributing the assigned estate may adjudicate the same as now provided by law, and when so established it shall have like preference as if the same had not been disputed.

Section 8. That it shall be lawful for any laborer having presented his claim for wages to any assignee for the benefit of creditors, and the same being undisputed or having been disputed, the same having been duly established by law, to give such assignee notice that he desires his claim to be paid to him at once, and it shall be the duty of such assignee within thirty days from such notice to pay the same, and in default thereof a rule may be taken upon the said assignee from the court of common pleas having jurisdiction of the accounts of such assignee to show cause why the same should not be paid; thence to be proceeded in according to law.

III—In Decedents' Estate.

Section 9. That any laborer having a claim protected by the provisions of this act against the estate of any decedent may give notice of the same to the executor or administrator of such decedent, as in cases of writs of execution, at any time prior to the final distribution of the said estate, and the same shall have a preference over all debts of said decedent whatsoever, medical bills in last illness, undertakers' bills, liens upon realty existing prior to the creation of said claim for wages, liens founded upon indebtedness for wages, mechanics' liens, liens for owelty, and purchase money of real estate only excepted: *Provided*, That in case of any dispute as to the claim for wages aforesaid, it shall be the duty of the claimant to resort to his action at law to establish his claim, or the auditor distributing the estate of such decedent may adjudicate the same to the extent now provided by law, and when so established it shall have like preference as if the same had not been disputed.

Section 10. That it shall be lawful for any laborer having presented his claim for wages to any administrator or executor, and the same being undisputed or being disputed, the same having been duly established by law, to give such administrator or executor notice that he desires his or her claim to be paid prior to the final distribution of said estate, whereupon it shall be the duty of such administrator or executor, within sixty days from such notice, to pay the same, and in default thereof a rule may be taken from the orphans' court having jurisdiction of the accounts of such administrator or executor to show cause why the same should not be paid; thence to be proceeded in according to law.

Section 11. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

Executive Department, Commonwealth of Pennsylvania,
Office of the Governor,
Harrisburg, *July 2, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 19, entitled "An act for the better protection of the wages of labor, and providing the manner in which the same may be collected."

There are many good enactments in this bill, but it contains one provision so repugnant to justice and so unfair to employers that I am obliged to decline giving it my approval. Its third section among other things provides that "no note, due bill, or other written security or evidence of the whole or any part of such wages, whether bearing interest or not, shall be deemed to be a bar to the protection of this act in the hands of such employé, or his or her assigns, but the same shall be preferred and paid as if the said note, due bill, or other written instrument had not been taken." That is to say, if an employer gives to his employé a due bill for wages and the employé indorses and sells the due bill to another, yet the employé can obtain his wages out of any execution against his employer and the employer be again liable to pay the due bill given for the same wages held by

an innocent purchaser of the due bill. It is only necessary to state this proposition to show its manifest injustice.

ROBT. E. PATTISON.

No. 27.

AN ACT

Requiring the names of principals doing business through agents to have their names and the names of their agents registered in the office for the recording of deeds in the county wherein their place of business is located.

SECTION 1. *Be it enacted, &c.*, That hereafter every person or persons doing business in the name of any other person or persons as agent in this Commonwealth shall register his, her, or their names and the name of his, her, or their agent in the office for the recording of deeds in the county wherein their place of business is located.

SECTION 2. That all goods, chattels, wares, and merchandise in any place of business in this Commonwealth which is conducted in the name of any person or persons as agent the name of whose principal shall not be registered as required by the first section of this act shall be deemed and held in law to be the property of such agent, and shall be liable to levy and sale as his, her, or their property upon any writ of *fieri facias* issued upon any judgment obtained against such person or persons: *Provided*, That the provisions of this act shall not apply to brokers or factors.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

CHAUNCEY F. BLACK,
President of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 2, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 106, entitled "An act requiring the names of principals doing business through agents to have their names and the names of their agents registered in the office for the recording of deeds in the county wherein their place of business is located."

The main purpose of this bill is a good one. It is intended to oblige persons doing business through agents to register in the recorder of deeds' office their name and the name of their agents. On failure so to do, the bill makes the property in the possession of an agent liable to execution as his property. This would be well enough, as it would be only following the principle of law that possession of personal property is the evidence of title. But the bill goes further, and declares that all such property in the possession of agents "shall be deemed and held in law to be the property of such agent." This provision would prevent the property being levied upon and sold as the property of the principal in any instance, which is not what was intended. A principal could thus entirely protect himself from paying his just debts by doing business through an agent and not record-

ing the fact as this bill requires. Nothing, I suppose, could have been further from the purpose of those who prepared the legislation. Yet they have inadvertently opened the door for frauds in the just effort to prevent impositions.

ROBT. E. PATTISON.

No. 28.

AN ACT

To enable city, county, township, and borough tax collectors to collect taxes for the payment of which they have become personally liable without having collected the same by expiration of the authority of their respective warrants, and to extend the time for collection of the same for a period of one year from the passage of this act.

SECTION 1. *Be it enacted, &c.*, That in all cases in which the period of two years, the limitation of the warrants in the duplicate of county, city, township, ward, and borough tax collectors have expired, and said collector or collectors have become liable for the amount of tax on said duplicates without having collected the same, the said duplicates and warrants in all such cases are hereby revived and extended for another period of one year from the passage of this act; and said collector or collectors are hereby authorized and empowered to proceed and collect said taxes from all persons who have not paid taxes assessed to them residing in said districts within which it may have been assessed, as well as from all persons who removed from said city, ward, township, or townships, or boroughs, and have neglected to pay taxes so as aforesaid assessed, with like effect as if said warrants had not expired by the limitation of two years aforesaid: *Provided*, That the provisions of this act shall not apply to warrants issued prior to the year one thousand eight hundred and seventy-four: *And provided further*, That the provisions of this act shall not apply to cities of the first and second class.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 2, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 135, entitled "An act to enable city, county, township, and borough tax collectors to collect taxes for the payment of which they have become personally liable without having collected the same by expiration of the authority of their respective warrants, and to extend the time for collection of the same for a period of one year from the passage of this act."

Similar acts to this have been regularly presented and passed at the sessions of the Legislature for many years. This act, however, improving upon all others, extends back to tax warrants issued in 1874. It seems to me that it is about time to stop this system of extensions. The tax collectors may be, (indeed, most of them are) now out of office, some since

1874—yet this law would give full validity to their expired warrants and full powers as to the right of collection to these now private citizens. The bill gives this power to these officials, not only in their old jurisdiction, but also permits them to follow persons owing the tax who may have removed from the city, ward, township, or townships, or boroughs, to which they owe the tax. These tax collectors voluntarily assumed their offices with a full knowledge of their duties and responsibilities. I cannot see any reason, in law or equity, why, after their terms have expired, they should be re-invested with their official authority to save them from the consequences of their neglect—consequences of which they must have had knowledge when they solicited the suffrages of the people.

The purpose of this bill, I think, will be better accomplished by its failure to become a law than by its enactment; as tax collectors will thereby, hereafter, understand that they must promptly perform their duties if they would escape responsibility. And that they need not in the future look to legislative indulgence to enable them to escape the consequences of their neglect.

ROBT. E. PATTISON.

No. 29.

A SUPPLEMENT

To an act relating to the collection of district and township debts in the several counties of the Commonwealth, approved the thirty-first day of March, one thousand eight hundred and sixty-four, limiting the amount which may be collected in any one year.

SECTION 1. *Be it enacted, &c.*, That the act entitled "An act relating to the collection of district and township debts in the several counties of the Commonwealth," approved the thirty-first day of March, one thousand eight hundred and sixty-four, which reads as follows: "That when it shall be shown to the court of quarter sessions of any county of this State that the debts due by any district or township in said county shall exceed the amount which supervisors or overseers may collect in any year by taxation, as at present regulated, or when the proper officers refuse to levy a tax for the purpose set forth in the seventh section of the act of the twenty-fifth of February, one thousand eight hundred and thirty-five, it shall and may be lawful for said court, after ascertaining by proper means the amount of indebtedness of any particular district or township by a writ of mandamus, to direct the proper officers, by special taxation, to collect an amount sufficient to pay the same: *Provided always*, That if the amount of such indebtedness is so large as to render it inadvisable to collect the same in any one year, taking into consideration other necessary taxation, the said court may direct the same to be levied and collected by annual installments or proportions as may be adjudged reasonable and proper, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same," be and the same is hereby amended so as to read as follows:

SECTION 1. *Be it enacted, &c.*, That when it shall be shown to the court of quarter sessions of any county of this State that the debts due by any district or township in said county shall exceed the amount which supervisors or overseers may collect in any year by taxation, as at present regu-

lated, or when the proper officers refuse to levy a tax for the purposes set forth in the seventh section of the act of the twenty-fifth of February, one thousand eight hundred and thirty-five, it shall and may be lawful for said court, after ascertaining by proper means the amount of indebtedness of any particular district or township by a writ of mandamus, to direct the proper officers, by special taxation, to collect an amount sufficient to pay the same: *Provided always*, That if the amount of such indebtedness is so large as to render it unadvisable to collect the same in any one year, taking into consideration other necessary taxation, the said court may direct the same to be levied and collected by annual installments or proportions as may be adjudged reasonable and proper, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same: *Provided*, That such special tax shall not exceed four mills in any one year, on the assessed valuation of the property in the district or township.

CHAUNCEY F. BLACK,
President of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 2, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 139, entitled "A supplement to an act relating to the collection of district and township debts in the several counties of the Commonwealth, approved the thirty-first day of March, one thousand eight hundred and sixty-four, limiting the amount which may be collected in any one year."

There is a mis-recital in this bill. Following the act of March thirty-one, one thousand eight hundred and sixty-four, to which it is a supplement, it refers to the seventh section of the act of February twenty-five, one thousand eight hundred and thirty-five. As a matter of fact, the act that this bill is intended to apply to was approved February twenty-eighth, one thousand eight hundred and thirty-five, and not February twenty-fifth. The bill, therefore, applies to an act that does not exist. I can conceive of no way in which such a mistake can be corrected, and it does not help the matter to say that the draughtsman of this bill has only followed the mis-recital of the act of one thousand eight hundred and sixty-four. It is inaccurate and careless legislation which renders the bill a nullity, and I decline to encumber the statute-book with it and seem to approve of its mistakes.

ROBT. E. PATTISON.

No. 30.

AN ACT

To authorize the councils of cities or boroughs of this Commonwealth to provide by ordinance for injured or disabled firemen and policemen, or persons in the police and fire-alarm telegraph service in the employ of such cities and boroughs where such injury or disability may occur in the discharge of duty.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act it shall be lawful for the councils of any city or borough within this Commonwealth to provide by ordinance, in the manner now directed by law, assistance to any injured or disabled person or persons in the fire or police service, or in the police and fire-alarm telegraph service of such city or borough where the injury or disability to such person may occur or be suffered in the discharge of duty.

SECTION 2. That the assistance authorized by the first section of this act may be by gratuity, annuity, stipend, or by whole or fractional wages on salary, and may extend to such time as the necessities of each case may require, and the amount appropriated shall be paid out of the city or borough treasury in the manner now directed by law: *Provided*, That it shall be lawful for the said councils at any time to withdraw such assistance or reduce the same by repeal or amendment of any ordinance at their discretion.

SECTION 3. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 2, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 529, entitled "An act to authorize councils of cities or boroughs of this Commonwealth to provide by ordinance for injured or disabled firemen and policemen, or persons in the police and fire-alarm telegraph service in the employ of such cities and boroughs where such injury or disability may occur in the discharge of duty."

This bill authorizes any city or borough in this Commonwealth by ordinance to assist any fireman, policeman, or person in the police and fire-alarm telegraph, service in the employ of any such city or borough, who may be injured or disabled while in the discharge of duty. The assistance authorized may, by the terms of the bill, be "gratuity, annuity, stipend, or by whole or fractional wages or salary." This is a new style of pension law, and while it may present some features appealing to the sympathies of the individual, is, I think, ill-advised, and might be but the beginning of a pension system the limits of which cannot now be foreseen. It is unnecessary, however, to discuss the merits of the bill, as its passage is, I think, forbidden by the Constitution. Section 7 of Article IX of that instrument provides, among other things, that "the General Assembly shall not authorize any county, city, borough, township, or incorporated district, to obtain or appropriate money for any corporation, association, institution, or individual." This

bill does authorize cities and boroughs to appropriate money to individuals. The money appropriated may be a gross sum, or a yearly pension, or a whole or part of salary. The matter, therefore, is in direct conflict with the Constitutional prohibition cited, and for this reason I withhold my approval.

ROBT. E. PATTISON.

No. 31.

A SUPPLEMENT

To an act to extend the powers of burgesses in boroughs.

SECTION 1. *Be it enacted, &c.*, That section twenty-one of an act entitled "An act regulating boroughs," approved April third, Anno Domini one thousand eight hundred and fifty-one, which reads as follows:

"To impose fines and penalties incurring partial or total forfeitures, to remit the same, to provide or erect a lock-up house for the temporary detention of persons committed by the proper corporate officers or by the justices of the peace within the borough: *Provided*, That no person shall be confined in such lock-up house for a longer period than forty-eight hours at any one time," be and the same is hereby amended so as to read as follows: "To impose fines and penalties incurring partial or total forfeitures, to remit the same, to provide or erect a lock-up house for the temporary detention of persons committed by the proper corporate officers or by the justices of the peace within the borough: *Provided*, The burgesses of the boroughs shall have power to sentence criminals convicted before them under existing laws to the work-house of correction, or county jail, for a period not exceeding thirty days.

CHAUNCEY F. BLACK,
President of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 27, entitled "A supplement to an act to extend the powers of burgesses in boroughs."

The title to this bill is defective. It does not give the date on which the original act was approved. It does not describe properly the act which it proposes to amend, for in this title that act is designated as "An act to extend the powers of burgesses in boroughs," whereas its proper title is "An act regulating boroughs." It would be impossible, taking the title by itself, to find the act which is sought to be amended by it. The bill is, therefore, in violation of section 3 of Article III of the Constitution, which requires the subject of the bill to be clearly expressed in its title.

In the body of the bill, the portion sought to be amended is described as section twenty-one of an act entitled "An act regulating boroughs," approved April 3, 1851, and is set forth in words; whereas those words constitute the twenty-first clause of section two of the act named. Without con-

sidering its merits, I decline to give my approval to a bill marked by such gross inaccuracies and inexcusable misdescription.

ROBT. E. PATTISON.

No. 32.

AN ACT

To authorize county commissioners to make contracts for the collection of forfeited recognizances and fines.

SECTION 1. *Be it enacted, &c.*, That from and after the passage of this act, the county commissioners of any county in this Commonwealth shall have power to contract with any person or association, upon such terms and conditions as shall be approved by the court of common pleas of the proper county, to collect the fines and forfeited recognizances in all cases in which the county is entitled to the same.

SECTION 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

CHAUNCEY F. BLACK,
President of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, PA., *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 46, entitled "An act to authorize county commissioners to make contracts for the collection of forfeited recognizances and fines."

The duty of collecting forfeited recognizances and fines ought to be performed by the district attorneys. It falls legitimately within their functions: they are semi-judicial officers, and their action is, or ought to be, more impartial and disinterested than that of unofficial parties. To allow county commissioners to contract with private attorneys, to make collections, even if supervised by the court, would be likely to result in abuse, and probably in scandal. At all events, the direct and safest course, I think, is to have the district attorney of the county act for the county in all such matters so peculiarly connected with his office.

ROBT. E. PATTISON.

No. 33.

AN ACT

To give to petitioners for charters of incorporation of the first class, applied for under the act of April twenty-ninth, one thousand eight hundred and seventy-four, the right of appeal to the Supreme Court from the decision of any court of common pleas or of any law judge thereof of this Commonwealth.

SECTION 1. *Be it enacted, &c.*, That in every case where the application for the charter of incorporation of the first class, under the act of April twenty-ninth, one thousand eight hundred and seventy-four, is refused by any law judge of any court of common pleas of this Commonwealth on the ground that the same is not lawful or on the ground that it is injurious to the community, such judge or court shall, at the request of the petitioners or of their solicitor, file within ten days of such refusal with the prothonotary of said court a written opinion setting forth in detail the grounds of the refusal to grant such charter of incorporation.

SECTION 2. The petitioners for a charter of incorporation of the first class, under the act of April twenty-ninth, one thousand eight hundred and seventy-four, whose application has been or may be hereafter refused by any law judge or court of common pleas, may within thirty days after the filing of the written opinion required by the first section of this act, without entering any security, issue a writ in the nature of an appeal out of the Supreme Court directing and requiring the prothonotary of the court of common pleas refusing such application to transmit to the prothonotary of the Supreme Court of the proper district on or before the first Monday of the month next ensuing for review by the Supreme Court such application, together with all other papers on file regarding such application, and also the written opinion of the court refusing to grant such charter of incorporation.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 47, entitled "An act to give to petitioners for charters of incorporation of the first class, applied for under the act of April twenty-ninth, one thousand eight hundred and seventy-four, the right of appeal to the Supreme Court from the decision of any court of common pleas or of any law judge thereof in this Commonwealth."

This bill is an innovation of a serious character upon the practice of the courts and the principles of our jurisprudence. It gives a right of appeal without security from the exercise of the discretion vested in the judges by the act of one thousand eight hundred and seventy-four, in the matter of granting charters of corporations of the first class. The act of one thousand eight hundred and seventy-four requires that the court or judge shall be satisfied that the corporation applied for is lawful, and its purposes not injurious to the community; and must so endorse on the application before the parties applying can become a corporation. The power thus vested is

a purely discretionary one; the proceedings are generally *ex parte;* the question is one generally applying entirely to the conscience of the judges, and it would be against public policy, contrary to the principles of law, and promotive of an irregular sort of litigation burthensome to the business of the courts to give parties an appeal in such case. The bill itself is very incomplete and informal in its provisions; and, aside from the objections to its purpose and policy, is open to many criticisms upon its details. The fact that the appeal may be taken without security is objectionable. The State, through the Attorney General, would be the appellee in such appeals, and the Commonwealth ought to be protected by adequate security from vexatious or fruitless litigation.

ROBT. E. PATTISON.

No. 34.

AN ACT

To repeal section two and a portion of section three of an act entitled "A supplement to the several acts relating to the borough of Uniontown, Fayette county," approved the eleventh day of May, Anno Domini one thousand eight hundred and seventy one

SECTION 1. *Be it enacted, &c.*, That the second section of the act entitled "A supplement to the several acts relating to the borough of Uniontown, Fayette county," which reads as follows: "That the next election in said borough, and annually thereafter, there shall be chosen by vote at large in said borough, six members of council, two assessors of taxes, and two constables; and the said councilmen, assessors, and constables shall be elected under the provisions and in the manner prescribed by the fourth section of the act of March fourth, one thousand eight hundred and seventy, entitled 'An act to define the limits and to organize the town of Bloomsburg,' and vacancies in said offices shall be filled pursuant to the provisions of the fifth section of the same act by the court of quarter sessions of Fayette county. Also that portion of section three of the same act which reads as follows: 'And the school-directors and auditors shall be voted for and chosen in the same manner as the officers mentioned in the second section of this act,'" be and the same is hereby repealed.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 77, entitled "An act to repeal section two and a portion of section three of an act entitled 'A supplement to the several acts relating to the borough of Uniontown, Fayette county,' approved the eleventh day of May, Anno Domini one thousand eight hundred and seventy-one."

Under the act of 1871 named, the councilmen, assessors, and constables of the borough of Uniontown, Fayette county, have since that year been elected on what is known as "the plan of the free vote," which had been incorporated the year before into "An act to define the limits and organize the town of Bloomsburg." The object of this plan was to secure minority representation in municipal affairs, and this it undoubtedly has secured.

This bill was introduced by a Representative from another county, and there has been no intimation given to me by the citizens of Uniontown that a repeal of the existing law is desired. On the contrary, I am informed that the operation of the law has given general satisfaction, and that there is no general desire for its repeal. I therefore decline to approve this bill.

ROBT. E. PATTISON.

No. 35.

A SUPPLEMENT

To an act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law," authorizing the trial of civil cases before a referee by jury.

SECTION 1. *Be it enacted, &c.*, That in any civil case now pending in any of the courts of this Commonwealth, or hereafter to be commenced after issue joined the parties thereto, excepting those acting in a fiduciary capacity, may, by agreement filed in the proper office when the suit is pending, by written agreement submit the case to the decision of any judge of any court of this Commonwealth, or any person learned in the law who is authorized to act as an attorney in the Supreme Court of this State as referee, and may in said agreement dispense with trial by jury or elect to try the case before the referee so chosen by jury in like manner and with like force and effect as if the said case were tried before the court in which the said case is pending.

SECTION 2. If the parties shall elect to try the case before such referee by jury, the jury may be selected in the usual manner from any panel of jurors summoned to try civil cases.

SECTION 3. Cases tried before a referee and jury shall be proceeded in, in the same manner and subject to the same rules and practice and with like force and effect to all intents and purposes as cases tried before the court or president judge thereof in which such suits were brought and are pending, and the verdict and judgment thereon, with what pertains to it, shall be filed of record in the case, and shall in like manner and to the same extent be subject to exceptions and writ of error, and subject to the same control by the Supreme Court as cases tried before the court in which such suits were brought or pending or the president judge thereof.

SECTION 4. In all cases upon the special list or which the judges of the court wherein they are pending are not competent to try them, the expenses of trial shall be paid in the same manner as if tried before special courts under existing laws of this Commonwealth, and in all other cases all the expenses shall be paid in like manner as if tried before the court or the judges thereof in which the cases are pending, except the fees of the referee, which

shall be paid by the parties in the manner provided in the act to which this is a supplement.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 83, entitled "A supplement to an act entitled 'An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law,' authorizing trial of civil cases before a referee by jury."

The title to this bill fails to give the date of approval of the act to which it is a supplement. This is probably not a fatal defect, but it is an omission calculated to occasion considerable inconvenience. It is true the date of approval would only serve the purpose of identification, as it is strictly no part of an act, though necessary to give it validity, and in some cases important, as the date at which, or within a certain time from which, the law becomes operative. If there were, as it is quite possible there might be, two or more acts of the same title, a supplement which did not recite the date of approval of the act to which it was intended to be a supplement might lead to doubt and litigation of a serious character. The draughtsman of this bill, therefore, has, in omitting the date of approval, made an innovation upon a correct legislative custom that it would be unwise to follow.

A measure word for word identical with this, except in one particular, was passed by the Legislature at the session of one thousand eight hunded and eighty-three, and was filed by the Executive, with the reasons for his disapproval, in the proper office on the nineteenth of June, one thousand eight hundred and eighty-three. I refer to that paper, so far as it is applicable, for my reasons for withholding my signature from this bill. The measure before me authorizes parties to any civil case pending in any court to agree in writing to submit their case for trial to a referee learned in the law, and a jury to be drawn from the panel in attendance on the court. The referee may take the jury to his office, and there try the case to all intents and purposes the same as the regular judge of the court in which the case is pending, and with like effect. I deem it unnecessary to again set out at length my objections to the underlying object of this bill. It is sufficient here to say that I do not believe the administration of justice would be benefited or public respect for the judicial system promoted by authorizing, as this bill does, innumerable little courts, presided over by innumerable attorneys, to be sitting throughout the Commonwealth trying causes in place of the regularly appointed ministers of justice. There still lingers in the popular mind a wholesome respect for the dignity and solemnity of trial by judge and jury. It is better to preserve this sentiment, if possible, rather than dissipate it entirely by constituting the numerous petty, shifting, and temporary legal tribunals this bill would authorize.

ROBT. E. PATTISON

No. 36.

AN ACT

Supplementary to an act entitled "An act in relation to persons imprisoned under sentence for offenses against the laws of Pennsylvania," approved May twenty-first, Anno Domini one thousand eight hundred and sixty-nine.

SECTION 1. *Be it enacted, &c.*, That section one of the act of Assembly approved May twenty-first, one thousand eight hundred and sixty-nine, entitled "An act in relation to persons imprisoned under sentence for offense against the laws of Pennsylvania," which reads as follows: "That all prisoners who have been or shall hereafter be convicted of any offense against the laws of the State of Pennsylvania and confined in any State prison or penitentiary in execution of judgment or sentence upon such conviction, who so conduct themselves that no charge of misconduct shall be sustained against them, shall, if the Governor shall so direct, have a deduction of one month on each of the first two years, of two months on each succeeding year to the fifth year, and of three months on each following year to the tenth year, and of four months on each remaining year of the term of their sentence, and shall be entitled to their discharge so much the sooner upon the certificate of the warden or principal keeper of such prison or penitentiary, with the approval of the board of inspectors of the same," be and the same is hereby amended to read as follows:

SECTION 1. That all prisoners who have been or shall hereafter be convicted of any offenses against the laws of the State of Pennsylvania and confined in any prison or penitentiary in said State in execution of the judgment or sentence upon such conviction, who so conduct themselves that no charge of misconduct for violation of the rules and regulations of said prison or penitentiary shall be sustained against them, shall, if the Governor shall so direct, have a deduction of two months on each of the first two years, of four months on the third and fourth years each, and of five months on each remaining year of the term of their sentence: *Provided*, That a similar deduction shall be allowed for the fractional parts of a year, excepting the first year, in which year no deduction shall be made for a fractional part, and that it shall be lawful for the inspectors of said prisons or penitentiaries if any such convicts or prisoners shall willfully infringe or violate any of said rules or regulations, or offend in any other way against the laws, rules, and regulations of the institution in which he or she may be confined, to strike off the whole or any part of the deduction which may have been obtained previous to the date of such offense, and said prisoners shall be entitled to their discharge so much the sooner upon the certificate of the warden or principal keeper of such prison or penitentiary, with the approval of the board of inspectors of the same.

SECTION 2. That every person who shall be sentenced to cumulative terms of imprisonment upon two or more convictions, which terms shall aggregate one year or more, shall be entitled to the same commutation, though sentenced for a single term of the same as the aggregate of such cumulative sentence.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 127, entitled "An act supplementary to an act entitled 'An act in relation to persons imprisoned under sentence for offenses against the laws of Pennsylvania,' approved May twenty-first, Anno Domini one thousand eight hundred and fifty-nine."

This bill about doubles the commutation now allowed upon the terms of sentence of prisoners for good behavior. The existing law gives them one month on each of the first two years, two months on each succeeding year to the fifth year, three months on each following year to the tenth year, and four months on each remaining year. This bill provides that the commutation hereafter shall be two months on each of the first two years, four months on the third and fourth years, and five months on each remaining year. It will be observed that the greatest benefit would be derived from this change by old offenders serving long terms. I believe the increase proposed is unwise and extravagant, and this belief is also entertained by many of the prison officials who have filed protests against the bill. Relying upon their judgment, as well as my own opinion, I therefore decline affixing my signature. The title of the bill also is, I think, defective. It simply sets out that it is a supplement to the act of 1869, without stating anything whatever as to the purpose of the supplement. As a matter of fact, the bill is in terms an amendment of the first section of the act of 1869 and not a supplement.

ROBT. E. PATTISON.

No. 37.

AN ACT

For the relief of and placing on the rolls the name of Edward Marshall, late first lieutenant company D, Fifteenth regiment, Pennsylvania cavalry.

WHEREAS, Edward Marshall, a resident of Philadelphia, State of Pennsylvania, enlisted in the Anderson troop of cavalry, afterwards formed in a regiment, (the Fifteenth regiment, Pennsylvania cavalry,) as sergeant, on the fifteenth day of October, one thousand eight hundred and sixty-one, and served and was paid as such until the sixth day of November, one thousand eight hundred and sixty-two; when, with twelve others of the same company, he was discharged by reason of promotion, having been appointed as first lieutenant of company D, by Andrew G. Curtin, Governor of the State of Pennsylvania, by recommendation of Major General D. C. Buell;

And whereas, He received his discharge as sergeant on the sixth day of November, one thousand eight hundred and sixty-two, at Bowling Green, Kentucky, from head-quarters, Fourteenth army corps, special orders number eight, by command of Major General Rosecrans, signed by C. Goddard, Major, and acting Adjutant General;

And whereas, On the seventh day of November, one thousand eight hundred and sixty-two, he was ordered to take command of the Anderson troop, then encamped at Bowling Green, Kentucky, with the Fourth United States regulars, (cavalry,) and was officer of the day of the United States

cavalry camp at Bowling Green, Kentucky, on the seventh day of November, one thousand eight hundred and sixty-two, and name signed as such in general report of that date, and continued to take his turn as officer of the day in said camp until the nineteenth day of December, one thousand eight hundred and sixty-two, when General Rosecrans ordered the troops to barracks at Nashville, Tennessee, where he remained in command until the twenty-sixth day of December, one thousand eight hundred and sixty-two; when, on account of trouble in the troop, he was ordered to retain command as first lieutenant, which he did until the first day of March, one thousand eight hundred and sixty-three. Said order being from General Rosecrans;

And whereas, The other twelve officers appointed at the same time, being in Pennsylvania re organizing the Anderson cavalry, (the Fifteenth regiment, Pennsylvania cavalry,) received their commissions from the sixth day of November, one thousand eight hundred and sixty-two, to the first day of March, one thousand eight hundred and sixty-three, from the State of Pennsylvania, he being in active service in the field, and under orders from the commanding officer as above stated, could not leave to obtain his, nor could he leave the post of duty, nor disobey orders, in order to apply;

And whereas, During the time mentioned, namely: "The sixth day of November, one thousand eight hundred and sixty-two, and the first day of March, one thousand eight hundred and sixty-three," owing to the confusion and disorganized condition of the troop, he never received pay of any kind either for services as sergeant or as first lieutenant, nor does his name appear on the rolls either in the Adjutant General's office at Washington or in the Adjutant General's office at Harrisburg;

And whereas, The regiment was organized at Murfreesboro', Tennesse, on the first day of March, one thousand eight hundred and sixty-three, he was appointed first lieutenant of company E, and served and was paid as such from the first day of March, one thousand eight hundred and sixty-three, until the eighth day of April, one thousand eight hundred and sixty-three, when he was honorably discharged;

And whereas, On account of said omission of commission and muster, he has not nor cannot receive pay or commission from the United States Goverment, according to the rules of the war department; Therefore,

SECTION 1. *Be it enacted, &c.*, That the Adjutant General of the State be instructed to place the name of Edward Marshall on the roll as first lieutenant of company D, Fifteenth regiment, Pennsylvania cavalry, to date from the sixth day of November, one thousand eight hundred and sixty-two, to the first day of March, one thousand eight hundred and sixty-three, with all the rights of commission, muster, and pay.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 129, entitled "An act for the relief of and placing on the rolls the name of Edward Marshall, late first lieutenant company D, Fifteenth regiment, Pennsylvania cavalry."

There is no evidence in the office of the Secretary of the Commonwealth, or that of the Adjutant General, that the person named in this bill was ever appointed first lieutenant of company D, Fifteenth regiment, Pennsylvania cavalry, by Governor Curtin. The order assigning him to duty as a commissioned officer without the presentation of his commission and muster-in was irregular, and he must look to Congress for redress. The Governor of the State can commission in the State volunteers only, and no evidence is on file that the Governor intended to commission this man.

But the point that is fatal to this bill is that the muster-in and muster-out rolls deposited with the Adjutant General of the State are nothing more than true and correct copies of the ones on file in the War Department of the United States Government, and are certified over the signature of the mustering officer. The rolls with the Adjutant General of the State cannot be altered by the Legislature. No benefit would arise to the officer, except by a change at Washington. Upon a representation of the facts of his service, Congress, no doubt, would pass some measure for his relief.

ROBT. E. PATTISON.

No. 38.

AN ACT

To define and punish embezzlement from unincorporated societies.

SECTION 1. *Be it enacted, &c.*, That any trustee, secretary, treasurer, or other officer of any unincorporated society or association who shall receive in the name of the society or association, or for the use of such society or association, any money, goods, chattels, or any check, note, or other chose in action, either from said society or association, or from any other person whomsoever, and shall appropriate or convert the same to his own use, or fail to deliver up and surrender the same to his successor or successors in office, or shall neglect or refuse to deliver up the same, when called upon so to do to any officer or committee of such society or association authorized to ask for and receive the same, such person so offending shall be guilty of embezzlement; and shall, upon conviction thereof, be sentenced to pay a fine not exceeding five hundred dollars, or be imprisoned for a period not exceeding two years, or either or both, in the discretion of the court.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 132, entitled "An act to define and punish embezzlement from unincorporated societies."

This bill provides that if any officer of any unincorporated society or association shall receive any money, property, check, note, or other chose in

action, in the name or for the use of such society or association, from any person whatsoever, and shall appropriate the same to his own use, "or fail to deliver up and surrender the same to his successor or successors in office, or shall neglect to deliver up the same, when called upon so to do, to any officer or committee of such society or association authorized to ask for and receive the same," he shall be guilty of embezzlement and be punishable by a fine not exceeding five hundred dollars and imprisonment not exceeding two years. It will be observed that there is here no provision that the action thus made criminal shall be fraudulent, corrupt, or with criminal intent. The officer who, under claim of right, or disputing the authority of others claiming to be officers, refuses to deliver up the property in his hands is declared to be guilty of embezzlement. Indeed, the mere "neglect" to transfer to his successors the property in his possession is made criminal, without any requirement that the neglect be fraudulent. This is too careless a definition of a crime, particularly where, as in this case, the society is an unincorporated one—that is, where its rules and regulations and the respective powers and duties of its officers are not specifically defined by law or under authority of law. Criminal statutes should be exact, clear, and free from all ambiguity. It is not to be supposed that it was the intention of the framers of this act to make the mere "neglect" specified a crime, yet that is what the bill does. Moreover, the bill seems to incorporate into the offense failure to perform duties of the society, which duties are unrecited. Altogether the enactment is too vague and informal to be allowed to become a part of our criminal code. In defining constructive crimes, the utmost clearness and accuracy of statement ought always to be employed.

ROBT. E. PATTISON.

No. 39.

AN ACT

To repeal an act entitled "An act to authorize the establishing of a law library for Cumberland county," approved the fourteenth day of April, Anno Domini one thousand eight hundred and sixty-nine, and a supplement thereto, approved the sixth day of March, Anno Domini one thousand eight hundred and seventy-two.

SECTION 1. *Be it enacted, &c.*, That an act entitled "An act to authorize the establishing of a law library for Cumberland county," which provides as follows:

"SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all moneys arising from the following sources in the county of Cumberland shall be paid by the county treasurer to the committee hereinafter provided, for the purpose of procuring and sustaining a public law library, namely: All fines, penalties, and forfeited recognizances to which the said county is by existing laws entitled, and this shall include all forfeited recognizances collectible by the said county and any that may be in process of collection, or that may have been collected but not paid over to the county treasurer at the passage of this act; also all verdict fees in both civil and criminal cases, and all fines that may be imposed by any justice of the peace in said county; also a tax

of one dollar upon each or every offense or crime prosecuted to conviction in said county, or in which the defendants by verdict, agreement, or *non pros.* shall be required to pay the costs of prosecution, to be taxed as costs on the same: *Provided*, The same county shall not be liable therefor until the same shall have been collected: *And provided further*, That this act shall not be construed to impair or affect any claim for costs or damages to which any person under existing laws be entitled to, out of such forfeited recognizances for injuries sustained by such person by the commission of the crime or misdemeanor on account of which recognizances may have been given."

SECTION 2. The money thus arising shall be expended for the purposes aforesaid under the direction of a committee of five members of the bar of said county, to be appointed by the judges of the several courts thereof annually, who shall have power to fill all vacancies that may occur in said committee.

SECTION 3. Said committee shall have power to adopt such rules and regulations for the management of said library as may be expedient and necessary for the proper care and preservation of the same; and shall, at the end of every year, report to the judges aforesaid the condition of said library, and account for all expenditures of money made by them in relation thereto; which, if approved, shall be filed of record in the prothonotary's office of said county.

SECTION 4. The county commissioners of said county are hereby authorized and required to permit the use and occupancy of such room or place in the court-house of said county for the establishment of said library as they may designate or agree upon with the library committee; and the said library shall be for the use of the courts of said county and the attorneys thereof.

SECTION 5. That it shall be the duty of the clerk of said county to prepare certified lists of all recognizances forfeited at each term of said courts within ten days after the close of such term, and deliver the same to the district attorney of the said county, whose duty it shall be to proceed forthwith to collect such recognizances, by suit or otherwise, and to pay the amount thereof as soon as collected to the committee appointed as heretofore provided, and to be applied by them as provided in the second section of this act; and it shall also be the duty of said clerk to prepare a certified list of all verdict fees paid in criminal cases, and the duty of the prothonotary of said county to prepare a like certified list of all verdict fees paid in civil cases in said county, and hand said lists to the committee hereinbefore provided within twenty days after the close of each term.

SECTION 6. That the sum of fifty cents shall be taken and deducted from all fees taxed on the records of the court of common pleas of Cumberland county as due to attorneys and technically known as attorneys' fees, which shall be assessed and taxed on and after the first day of August term, Anno Domini one thousand eight hundred and sixty-nine, and the prothonotary of said county is hereby directed to retain said sum of fifty cents from any and all such fees, and pay over the amount so retained to the committee hereinbefore provided, for the purpose set forth in the preceding sections of this act.

SECTION 7. All laws inconsistent herewith be and the same are hereby repealed, and a supplement thereto entitled "A supplement to an act authorizing the establishment of a law library in the county of Cumberland," which provides as follows:

SECTION 1. *Be it enacted, &c.*, That all verdict fees received by the clerk,

prothonotary, and sheriff of said county in civil and criminal cases shall be paid by them to the treasurer of the law library committee, and that the said clerk, prothonotary, sheriff, and the district attorney, and justices of the peace of said county are hereby required to make a detailed statement, under oath, on the fifteenth day of February, May, September, and December of each year of the amounts of money which have come into their hands to which said law library is entitled, and to pay over the amount thereof to the treasurer of said library fund, and upon failure of any party to make such statement or pay over the amount received by him as before required, he shall be liable to a fine of twenty-five dollars, to be sued for and recovered as other debts are now recoverable at law, and any fines so collected shall be for the use of said law library," be and the same are hereby repealed.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 220, entitled "An act to repeal an act entitled 'An act to authorize the establishing of a law library for Cumberland county,' approved the fourteenth day of April, Anno Domini one thousand eight hundred and sixty-nine, and a supplement thereto, approved the sixth day of March, Anno Domini one thousand eight hundred and seventy-two."

The purpose of the act of 1869 and its supplement of 1872 was to procure and sustain a public law library in Cumberland county, and to that end all moneys arising from certain sources named in the act have been paid by the county treasurer to a law library committee. These moneys have been faithfully and judiciously expended in the execution of the plan, and the result has been gratifying to judges, lawyers, and the people generally. Cumberland county has a good law library, and no one has felt the burden of its acquisition.

It is an erroneous view to take of such a project that its advantages are confined to judges and lawyers. On the other hand, all the people reap the benefit of it. The greater the facilities for the consultation of authorities by courts and attorneys, the more expeditious and correct will be the administration of justice. I believe that this work should be continued in Cumberland county, that its library should be sustained, and that all similar projects should be encouraged and not discouraged. To approve this bill would put a stop to the process of procuring books for this library, and this I am not willing to see done. Other questions of probable embarrassment arising from the repeal of the existing law might be mentioned as additional objections, but, holding the general view as to law libraries which I have stated, I am constrained, for that reason, to withhold my signature from the bill.

ROBT. E. PATTISON.

No. 40.

A FURTHER SUPPLEMENT

To an act approved the seventh day of April, Anno Domini one thousand eight hundred and seventy, entitled "A further supplement to an act for the organization, discipline, and regulation of the militia of the Commonwealth of Pennsylvania," approved May fourth, one thousand eight hundred and sixty-four.

SECTION 1. *Be it enacted, &c.*, That the president or judge advocate of any court-martial convened under authority of the laws of this Commonwealth shall have power to issue his warrant, directed to any constable or police officer in the county wherein said court may be held, directing said constable or officer to produce before it, at the place and time therein stated, all parties accused, and it shall be the duty of said constable or officer to whom said warrant may be directed to execute the same according to the direction thereof.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 226, entitled "A further supplement to an act approved the seventh day of April, Anno Domini one thousand eight hundred and seventy, entitled 'A further supplement to an act for the organization, discipline, and regulation of the militia of the Commonwealth of Pennsylvania,' approved May fourth, one thousand eight hundred and sixty-four."

The first objection to this bill is that its title is defective. It is termed a "supplement" to a particular act, but gives no hint of what the body of the bill contains. This is not a compliance with the provision of the Constitution that the subject of a bill "shall be clearly expressed in the title." As a matter of fact, the bill empowers the president or judge advocate of any court-martial to "issue his warrant to any constable or police officer in the county wherein said court may be held, directing said constable or officer to produce before it, at the place and time therein stated, all parties accused." It further makes it the duty of such constable or officer to execute the warrant according to the direction thereof. Aside from the loose drafting of the bill, its purpose does not commend itself to Executive approval. That military tribunals should, in times of peace, have authority to arrest the citizen and forcibly take him before them, and the civil officers should be obliged to assist in such a proceeding, is against the policy of our laws, the wholesome prejudices of the people, and the theory of democratic institutions. I therefore decline giving the measure my approval.

ROBT. E. PATTISON.

No. 41.

AN ACT

To repeal the proviso to an act entitled "A supplement to the acts providing for the entering of satisfaction on judgments and mortgages," approved April eleventh, one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted, &c.*, That the following proviso to an act entitled "Supplement to the act providing for the entering of satisfaction on judgments and mortgages," approved April eleventh, one thousand eight hundred and fifty-six, which is as follows: "*Provided*, That no satisfaction shall be entered until after a certificate from the president judge or the district judge of the proper county allowing the same, which certificate shall also be produced and filed with the papers as aforesaid," be and the same is hereby repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR.
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 263, entitled "An act to repeal the proviso to an act entitled 'A supplement to the acts providing for the entering of satisfaction on judgments and mortgages,' approved April eleventh, one thousand eight hundred and fifty-six."

The act of one thousand eight hundred and fifty-six provides that where the amount of any judgment or mortgage entered of record shall have been paid to the legal holder with interest and costs, and the instrument indorsed with the fact of such payment in the presence of two witnesses, shall be produced to the recorder or prothonotary having charge of the record, it shall be the duty of such recorder or prothonotary, upon the payment of a specified fee, to enter satisfaction on the record of such liens, and file the papers relating thereto in his office. The act further contains a proviso that no such satisfaction shall be entered until after a certificate from the president judge or the district judge of the proper county allowing the same, which certificate shall also be produced and filed with the papers. This proviso the present bill proposes to repeal. It seems to me the supervision of the court, which the repeal would abolish, is a wise and necessary precaution. It is intended to prevent frauds which might very well occur without such judicial control. Without such control, the mere production of a mortgage or judgment indorsed as provided compels the satisfaction to be entered. It is not an unwarranted imposition to oblige the party producing such paper to first submit it to the inspection of a judge, that he may examine it and make such inquiries as he deems needful to satisfy himself of the regularity and honesty of the transaction. If the circumstances are such as not to convince him of these facts, the satisfaction ought not to be entered in the summary manner the act of one thousand eight hundred and fifty-six provides, and I, therefore, withhold my approval of this bill.

ROBT. E. PATTISON.

No. 42.

AN ACT

Providing for the revision and abatement of illegal assessments by the Board of Revenue Commissioners, for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven.

WHEREAS, The Supreme Court decided that the Board of Revenue Commissioners in the triennial year one thousand eight hundred and seventy-five, for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven, made illegal assessments against the several counties of the Commonwealth for State tax on personal property;

And whereas, The following counties obtained credits therefor, namely: Allegheny, Bedford, Berks, Blair, Bradford, Bucks, Butler, Cambria, Chester, Cameron, Clarion, Clinton, Clearfield, Crawford, Columbia, Cumberland, Dauphin, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, Lehigh, Lycoming, Luzerne, Mercer, Mifflin, Monroe, Montour, Northampton, Northumberland, Philadelphia, Pike, Potter, Schuylkill, Sullivan, Susquehanna, Union, Venango, Washington, Westmoreland, and York;

And whereas, Other counties have presented memorials to the General Assembly complaining of the same illegal assessments, and that credit settlements have been denied to them, and they have been unjustly discriminated against and praying relief therefrom; therefore,

SECTION 1. *Be it enacted, &c.*, That the Board of Revenue Commissioners be and they are hereby required to hear the applications of all counties claiming to have been assessed in one thousand eight hundred and seventy-five for State taxes on personal property, for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven, in excess of the amount of such tax lawfully assessed by said counties in the said triennial year one thousand eight hundred and seventy-five, and the said Board of Revenue Commissioners shall certify the amount thereof, if any, to the Auditor General: *And provided*, That all such moneys refunded shall be paid to the county treasurer of the respective counties entitled to the same; and that the commissioners of said counties shall not allow attorneys' fees to a greater amount than two and one half per cent. of the gross sum received.

SECTION 2. Any county dissatisfied with the action of the Board of Revenue Commissioners hereunder may appeal therefrom to the court of common pleas of Dauphin county, which court shall hear and determine said appeal, and shall certify to the Auditor General the amount, if any, of any such assessment by the Board of Revenue Commissioners made in the triennial year one thousand eight hundred and seventy-five, for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven, in excess of the amount of State tax on personal property which had been lawfully assessed by the county.

SECTION 3. The Auditor General shall credit the accounts of said counties with the amounts of illegal assessments for one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven, which shall be certified to him hereunder: *Provided*, That in any case where a county entitled to an abate-

ment under this act shall have been divided, the county set apart shall receive its *pro rata* share of such abatement: *And provided further*, That all such moneys refunded shall be paid to the county treasurer of the respective counties entitled to the same.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 7, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 286, entitled "An act providing for the revision and abatement of illegal assessments by the Board of Revenue Commissioners for the years one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven."

The purpose of this bill is to compel the Board of Revenue Commissioners to certify to the Auditor General the amount of State taxes assessed on personal property in all counties claiming to have been assessed in the years 1875, 1876 and 1877, in excess of the amount of such tax lawfully assessed by said counties in the triennial year 1875.

Prior to the year 1878, the Board of Revenue Commissioners was not authorized to re-adjust the accounts of counties. The act of March 30, 1811, vested the power in the Auditor General and State Treasurer, and required the request for revision to be made within twelve months of the settlement. The act of April 8, 1869, gave the authority to revise any settlement of accounts such as those mentioned in this bill to the Auditor General, State Treasurer, and Attorney General, and to this tribunal these cases might have been presented at any time. Thus stood the law until the twenty-fourth day of May, 1878, when an act was passed defining the powers and extending the duties of the Board of Revenue Commissioners, this Board being composed of the Auditor General, State Treasurer, and Secretary of the Commonwealth. The act last named is clearly and distinctly prospective in its legal operation and effect, and does not clothe the Board of Revenue Commissioners with any power to open, resettle, and give credits on accounts settled prior to its passage.

This bill, therefore, if it should become a law, would arbitrarily compel the Board of Revenue Commissioners to hear applications relating to one particular class of alleged illegal assessments only, and certify the amounts of the same to the Auditor General, although this Board never had any authority to resettle any accounts of any kind whatsoever covering the years in which these assessments were made, and the authority to do so fully existed elsewhere under the act of 1869. The present Board, and at least one prior Board of Revenue Commissioners, have refused to allow credits for these assessments, and it is but reasonable to suppose that their action has been based on good and sufficient grounds. At any rate, I am unwilling, eight years after the last and ten years after the first assessments complained of were made, to force upon the Board of Revenue Commissioners the performance of a duty with which they were never charged, and relating to one class of cases which seems to have been singled out for special protection by this extraordinary method.

It may be added, also, that if such overpayments as are set forth in the bill have been in reality made, the counties did not suffer as counties thereby, and are not entitled to have the moneys so overpaid go into their treasuries. The individual taxpayers from whom they were collected would be the proper persons to get the benefit of a repayment.

ROBT. E. PATTISON.

No. 43.

A SUPPLEMENT

To an act entitled "An act relating to counties and townships and county and township officers," approved fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, and fixing the compensation of county auditors.

SECTION 1. *Be it enacted, &c.*, That the sixtieth section of said act, which reads as follows: "The auditors of each county shall be allowed out of the county stock the sum of one dollar and fifty cents each for each day's necessary attendance upon the duties of their office," shall be so amended to read as follows: "The auditors of each county shall be allowed out of the county funds the sum of three dollars each for each day's necessary attendance upon the duties of their office and mileage at the rate of ten cents per circular mile: *Provided*, That such mileage shall not be estimated more than once each year and this act shall not extend to the counties wherein the compensation of such officers are now fixed by special laws."

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 8, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 12, entitled "A supplement to an act entitled 'An act relating to counties and townships and county and township officers,' approved fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, and fixing the compensation of county auditors."

This bill amends the sixtieth section of the act of 1834 by increasing the pay of county auditors from one dollar and fifty cents to three dollars a day, and mileage at the rate of ten cents a mile. In the concluding clause, it provides that the bill "shall not extend to the counties wherein the compensation of such officers are now fixed by special laws." This clause is, in my judgment, a fatal legal vice. The bill is by its title general, and applies to all counties having county auditors. The concluding proviso, however, excepts out of the operation of the measure those counties the compensation of whose auditors is fixed by special laws. There is no legal authority for such a division of counties, or making such a distinction between them. The law knows no such classes of counties as those governed by general laws and those governed by special laws. The Constitution commands that all laws relating to counties shall be general, and it ex-

pressly prohibits the General Assembly from passing any local or special law regulating the affairs of counties. What could be more special than a bill which selects such counties as are not governed by special laws and regulates their affairs alone? Would the bill be any more objectionable if it expressly named the counties it was intended to affect? If it did so name them, its unconstitutionality would be admitted by every one. Can a broad Constitutional provision be overridden by such a transparent evasion as, instead of designating the counties sought to be affected by name, calling them counties "not governed by special laws," or, what is the same thing, excepting out of a general statute such counties as are governed by special laws? Counties and cities have by law been divided into classes according to population, and such laws have been decided by the courts to be Constitutional. When, however, in a bill relating to one of such classes a proviso is inserted taking certain members of the class out of the operation of the bill, there is another division of the class made not authorized by law. By such means, the wholesome prohibition of the Constitution against special legislation is whittled away, and if it is permitted to continue, legislation will become just as local and special as it was before the adoption of the present Constitution. The evils of such special legislation are so well known, and the benefits of the prohibitions of the Constitution of 1874 so manifest and approved, that anything which looks towards a return to those evil days should, if possible, be prevented.

ROBT. E. PATTISON.

No. 44.

AN ACT

To repeal an act entitled "An act to require the assessors of the several townships within this Commonwealth to assess all seated lands in the county in which the mansion-house is situated, where county lands divide a tract of land," approved June first, one thousand eight hundred and eighty-three.

SECTION 1. *Be it enacted, &c.*, That an act entitled "An act to require the assessors of the several townships within this Commonwealth to assess all seated lands in the county in which the mansion-house is situated, where county lines divide a tract of land," approved June first, one thousand eight hundred and eighty-three, be and the same is hereby repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 8, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth Senate bill No. 34, entitled "An act to repeal an act entitled 'An act to require the assessors of the several townships within this Commonwealth to assess all seated lands in the county in which the mansion-house is situated, where county lines divide a tract of land,' approved June first, one thousand eight hundred and eighty-three."

The act which this bill proposes to repeal was passed so recently as June first, one thousand eight hundred and eighty-three. The very next succeeding Legislature attempts to undo the work of its predecessors. Such legislative vacillation is not to be commended. It gives rise to uncertainty in our laws, is productive of litigation, tends to popular doubt and discontent, and savors of local or personal caprice. Permanency and certainty are the great ends to be sought in the making of laws. The unrest and inconvenience which comes of experimental legislation is vexatious to the citizen and is a thing to be avoided.

As to this particular bill, I have heard of no reason given for its passage. The act of one thousand eight hundred and eighty-three, which it proposes to repeal, is a wise enactment, intended for the convenience and benefit of citizens owning seated lands lying partly in different counties. No complaint has been made of its operation. It is possible that a few persons may believe that in some way they would receive some advantage in matter of taxation by its repeal. This is an insufficient reason, however, for abrogating a general law the provisions of which are not alleged to be in themselves bad. I decline, therefore, by my approval, to unsettle the act of one thousand eight hundred and eighty-three.

ROBT. E. PATTISON.

No. 45.

A SUPPLEMENT

To an act entitled "An act relating to counties and townships and county and township officers," approved the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, regulating the pay of county commissioners.

SECTION 1. *Be it enacted, &c.*, That the twenty-sixth section of the act entitled "An act relating to counties and townships and county and township officers," approved April fifteenth, Anno Domini one thousand eight hundred and thirty-four, which reads as follows: "The commissioners of each county shall respectively receive out of the county treasury the sum of one dollar and fifty cents for each day they shall necessarily attend to the duties of their office," be so amended as to read as follows: "The commissioners of each county shall respectively receive out of the county treasury the sum of three dollars for each day they shall necessarily attend to the duties of their office: *Provided*, That this act shall not extend to the counties wherein the compensation of such officers are now fixed by special laws, or by laws providing for the payment of salaries."

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 8, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 76, entitled "A supplement to an act entitled 'An act relating to counties and townships and county and township

officers,' approved the fifteenth day of April, Anno Domini one thousand eight hundred and thirty-four, regulating the pay of county commissioners."

This bill is not, as its title says, a "supplement;" but is, in fact and terms, an amendment to the twenty-sixth section of the act of April 15, 1834, and increases the pay of county commissioners from one dollar and fifty cents to three dollars a day. By a concluding provision, the act is not to extend to "the counties wherein the compensation of such officers are now fixed by special laws, or by laws providing for the payment of salaries." This exception is, in my opinion, unlawful, and makes the bill a special one, obnoxious to section 7, Article III, of the Constitution, prohibiting the passage of local or special laws regulating the affairs of counties. For a fuller expression of my views on this subject, I refer to the objection to House bill No. 12, this day filed in the office of the Secretary of the Commonwealth.

ROBT. E. PATTISON.

No. 46.

A FURTHER SUPPLEMENT

To an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-nine, one thousand eight hundred and seventy-four, authorizing the formation and incorporation under the provisions of said act of corporations for profits of the second class, for the erection and maintenance of halls for public or private purposes, and also corporations for profits of the second class for carrying on any lawful business, and amending the thirty-first section thereof, prohibiting the maintenance and operating of a ferry within three thousand feet of the ferry of any company incorporated under the laws of this Commonwealth.

SECTION 1. *Be it enacted, &c.*, That corporations for profits of the second class may be formed and incorporated under the provisions of the act entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, for the erection and maintenance of halls for public or private purposes, and such corporations shall have power to receive, take, hold, and mortgage such real estate as may be necessary for the purposes of their organization.

SECTION 2. That so much of the thirty-first section of the said act, which reads as follows:

"The charter of a ferry or bridge company shall also state—

" I. The stream over which the same is proposed to be erected.

" II. The place and county, or counties, of its location.

"III. Its distance from any other bridge or ferry over the same stream which shall have been before that date incorporated under the laws of this Commonwealth.

"No bridge or ferry company shall have the right to exercise its corporate franchises within three thousand feet of any other bridge or ferry in actual use at the date of issuing letters-patent to the new corporation, but nothing herein contained shall prevent the erection of bridges by municipalities as now provided by law," be and the same is hereby amended so as to read as follows:

"No bridge or ferry company shall have the right to exercise its corporate franchises within three thousand feet of any other bridge or ferry of any corporation created under the laws of this Commonwealth in actual use at the date of issuing letters-patent to the new corporation, nor shall any limited co-partnership, firm, person, or persons establish or maintain and operate a ferry or run boats for carrying passengers or freight for hire, fare, or toll within three thousand feet of any other ferry in actual use by any corporation created under the laws of this Commonwealth, but nothing herein contained shall prevent the erection of bridges by municipalities as now provided by law."

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 8, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 126, entitled "A further supplement to an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-nine, one thousand eight hundred and seventy-four, authorizing the formation and incorporation under the provisions of said act of corporations for profits of the second class, for the erection and maintenance of halls for public or private purposes, and also corporations for profits of the second class for carrying on any lawful business, and amending the thirty-first section thereof, prohibiting the maintenance and operating of a ferry within three thousand feet of the ferry of any company incorporated under the laws of this Commonwealth."

This bill purports to be a further supplement to the act entitled "An act to provide for the incorporation and regulation of certain corporations," approved April 29, 1874, and aims to amend the thirty-first section thereof, reciting it in exact words. This it cannot do, for that section, as thus recited, is not the law of the State to-day. It was amended and materially changed by section seven of an act entitled "A supplement to an act approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the further regulation of such corporations, and for the incorporation and regulation of certain additional corporations," approved April 17, 1876, and that supplement is now the law. This bill makes no reference to this supplement, but seeks to amend a section which has no existence. I, therefore, decline to approve it.

ROBT. E. PATTISON.

No. 47.

AN ACT

For the encouragement of forest-culture and providing penalties for the injury and destruction of forests.

SECTION 1. *Be it enacted, &c.,* That in consideration of the public benefit to be derived from the planting and cultivation of forest trees, the

owner or owners of any land planted with forest trees in number not less than twelve hundred to the acre shall be entitled to receive annually from the commissioners of their respective counties a sum of money equal to ninety per centum of all the taxes annually assessed and paid for a period of five years after the land has been so set apart and used; a sum of money equal to eighty per centum of all the taxes annually assessed and paid, during the following five years the land continues to be so set apart and used; and a sum of money equal to fifty per centum of all the taxes annually assessed and paid during the following ten years the land continues to be so set apart and used: *Provided*, That no compensation be allowed to the owner or owners of timber lands of natural growth.

SECTION 2. Any person or persons who shall wilfully trespass on forest lands, or who shall wilfully cut, bark, break, or otherwise injure any tree, plant, shrub, or sprout planted, growing, or being on said land without the consent of the owner or owners thereof first had and obtained, or who shall kindle, or cause to be kindled, for any purpose a fire on said lands, or who shall carry into or over the same any lighted candle, lamp, torch, or other fire without having the same secured in a lantern or other closed vessel, or who shall discharge or set off on said land or among the trees thereon fireworks of any kind, or who shall wilfully or carelessly burn or fire any brush, stubbles, or other combustible material in the near vicinity of such land or timber whereby fire shall be communicated to the leaves, brush, or timber upon the same, or who shall purposely fire any adjacent woods or forest, whether owned by himself or others, whereby fire shall be communicated to the leaves, brush, timber, or other matter upon other lands, shall subject said person or persons to a penalty of fifty dollars for each and every offense.

SECTION 3. Any justice of the peace or alderman, upon information or complaint made before him by the affidavit of one or more persons of the violations of this act by any person or persons, shall issue his warrant, directed to any constable or police officer, to cause such person or persons to be arrested and brought before said justice or alderman, who shall hear and determine the guilt or innocence of such person or persons so charged; and if convicted of said offense or offenses, shall be sentenced to pay the penalty aforesaid: *Provided*, That no conviction shall be had unless it be shown that notice warning persons against trespassing upon such land was put up in at least four conspicuous places thereon.

CHAUNCEY F. BLACK,
President of the Senate.

JAMES. L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 8, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 145, entitled "An act for the encouragement of forest-culture, and providing penalties for the injury and destruction of forests."

The objection to this bill lies mainly in the obscurity of the provisions of the first section. That section provides that the owner or owners of any land planted with forest-trees in number not less than twelve hundred to the acre "shall be entitled to receive annually from the commissioners of

their respective counties a sum of money equal to ninety per centum of all the taxes annually assessed and paid for a period of five years after the land has been so set apart and used; a sum of money equal to eighty per centum of all the taxes annually assessed and paid during the following five years the land continues to be so set apart and used, and a sum of money equal to fifty per centum of all the taxes annually assessed and paid during the following ten years the land continues to be so set apart and used."

What does this language mean? Upon what is the per centum to be computed? Is it "upon all the taxes annually assessed and paid" in the county; or "annually assessed and paid" by the party; or "annually assessed" against the particular land devoted to forest-culture and paid by its owner? The latter, I suppose, is what was intended, yet either of the other constructions would be admissible from the language adopted. There ought to have been no difficulty in making the meaning of the act perfectly clear; but because of its ambiguity and the doubt and litigation to which it may give rise, I withhold my approval.

ROBT. E. PATTISON.

No. 48.

A SUPPLEMENT

To an act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law, approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four, allowing exceptions to be filed to referee's reports and authorizing courts to hear such exceptions and to alter, amend, or reverse such reports, or to refer the same back to the referees, or to enter final judgment thereon.

SECTION 1. *Be it enacted, &c.*, That every referee selected under the act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law," approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four, shall give the parties interested in the cause or the counsel of record for such parties, thirty days' previous notice of his intention to file his report, on a day to be fixed by him, during which time the said parties may have access to said report, and may file exceptions thereto, and it shall be the duty of the referee on exceptions being filed to reëxamine his report and amend the same, if, in his opinion, such exceptions are well founded. If no exceptions are filed with the referee, his award shall be entered as a judgment of the court on the day it shall be filed. If exceptions shall be filed with the referee, his report, and the exceptions with his action thereon, shall be heard by the court in which the same are so filed according to its practice in similar cases, and said court shall have power to confirm said report or alter, amend, or reverse it or send it back to the referee for further proceedings before him; and a writ of error or appeal from the final judgment of the court may be taken in like manner as in other cases of a similar kind, provided exceptions were duly filed with the referee.

SECTION 2. That so much of the act to which this is a supplement as is inconsistent herewith be and the same is hereby repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 8, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 188, entitled "A supplement to an act entitled 'An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law,' approved the fourteenth day of May, Anno Domini one thousand eight hundred and seventy-four, allowing exceptions to be filed to referee's reports and authorizing courts to hear such exceptions, and to alter, amend, or reverse such reports, or to refer the same back to the referees, or to enter final judgment thereon."

This bill contains some desirable provisions, but is in one particular objectionable; as, no doubt through oversight, it permits an evident injustice. The bill authorizes a writ of error or appeal from the final judgment of the court upon the reports of referees only in cases where exceptions were duly filed with the referee. The courts are also empowered by the bill to confirm the report of a referee, to alter, amend, or reverse it, or send it back to the referee for further proceedings. Of course the party in whose favor the report is will not file exceptions. Suppose, therefore, the court, after hearing exceptions by the party adversely affected by the report, should sustain such exceptions, and enter a final decree accordingly; under this bill the other party could not have his writ of error or appeal, because he had filed no exceptions with the referee. But why should he have filed such exceptions? The report being in his favor, he, of course, would not except to it. Yet by this bill, for not having filed exceptions with the referee to report in his favor subsequently reversed by the court, he is deprived of his appeal. This is a hardship and injustice to which I cannot give my approval.

ROBT. E. PATTISON.

No. 49.

AN ACT

Making an appropriation for the enlargement of the burial-vault of the Scott Legion of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That the sum of three thousand dollars is specially appropriated to the Scott Legion of Philadelphia, for the year one thousand eight hundred and eighty-five, for the purpose of enlarging its burial-vault for the veterans of the Mexican war in Glenwood cemetery,

Philadelphia, to be paid out of any moneys in the treasury not otherwise appropriated.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 8, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 578, entitled "An act making an appropriation for the enlargement of the burial-vault of the Scott Legion of Philadelphia."

This bill appropriates three thousand dollars to the Scott Legion of Philadelphia for the purpose of enlarging its burial-vault for veterans of the Mexican war in Glenwood cemetery, Philadelphia. The bill is in conflict with section 18 of Article III of the Constitution, which prohibits appropriations for charitable or benevolent purposes to any person or community, except for pensions or gratuities for military services. The association which is made the beneficiary of this bill is no doubt engaged in a highly patriotic and commendable work and may stand in need of the relief proposed, but it is not competent for the Legislature, because of the Constitutional prohibition cited, to make an appropriation of the public moneys for such purposes, and I must therefore withhold my approval.

ROBT. E. PATTISON.

No. 50.

AN ACT

To encourage and authorize the formation of coöperative associations productive and distributive by farmers, mechanics, laborers, or other persons.

SECTION 1. *Be it enacted, &c.*, That coöperative associations productive and distributive may be incorporated under this act upon compliance with its requirements by any five or more farmers, mechanics, laborers, or other persons who shall have associated themselves together by written articles of association such as are hereinafter described, for the purpose of carrying on any agricultural, horticultural, mining, quarrying, building, mechanical, manufacturing, or commercial, or for the purpose of manufacturing, cultivating, raising, trading, or dealing in all kinds of goods, wares, merchandise, chattels, grain, vegetables, roots, fruits, and other produce, or animals for sale, food, or other purposes, or for the purpose of buying, selling, holding, leasing, or improving lands, tenements, or buildings, and that such persons so associating may adopt any corporate name indicating their coöperative character, and which has not been previously adopted by any other corporation formed under this act: *Provided*, That the two last words of such name shall be, "coöperative association," and that it shall not be lawful to use in such name either of the words, "society" or "company," and that any violation of this proviso by any corporation formed under this act, shall render each member thereof personally liable for all its debts.

SECTION 2. That before any association formed under this act shall commence its business, its articles of association shall be filed and recorded in the office of the Secretary of State of this State, and two copies of said articles shall be made, which the Secretary of State shall certify by his official signature and the seal of this State as being correct, copies of said articles so filed and recorded, one of said certified copies shall be filed and recorded in the office of the clerk of the county in which the principal office of the association shall be located, and the said clerk shall certify by his official signature and seal of the court of said county, that the said certified copy of said articles has been filed and recorded in his office, and the other certified copy of said articles shall be held by the association named therein, and the said articles or copies thereof duly certified by either of the aforesaid officers may be used as evidence in all courts and places of the incorporation of, as well as for or against such association, and the said Secretary of State and the said county clerk shall each be paid for said filing, recording, and certifying at the rate of ten cents for each one hundred words contained in said articles, and after such articles of association shall have been made, filed, and recorded as herein required the persons signing the same and such other persons, partnerships, or corporations, who shall from time to time, own and possess any share or shares in the stock capital of such association and their several successors and assigns shall be deemed and taken to be a body corporate and politic by the name and for the purposes mentioned in such articles of association.

SECTION 3. That the articles of association shall be signed by the persons originally associating themselves together, and shall be acknowledged by at least five of them before a notary public, and shall state distinctly—

First. The name by which such association shall be known.

Second. The place in this State where its principal office is to be located.

Third. The purpose or object for which it is formed.

Fourth. Whether its stock capital is fixed, and, if so, at what amount, or whether such capital is to be of an amount varying from time to time as the business may require.

Fifth. The amount of each share of permanent stock and ordinary stock of such capital, and how such shares may be paid for.

Sixth. The amount of capital that will be actually paid in before commencing business.

Seventh. The terms on which persons may become members.

Eighth. On what days in January, April, July, and October regular or quarterly meetings of the members are to be held.

Ninth. Such other matters not repugnant to this act as may be deemed proper and necessary.

Tenth. The term of its existence not to exceed thirty years; and

Eleventh. The names of the first associates, their respective residences, and the number and the class of shares held by each of them.

SECTION 4. That the stock capital of any such association shall consist of the amounts standing to the credit of members on account of the shares allotted to them, certificates for which shall be issued from time to time as such shares may have become fully paid up; and there may be two classes of shares, one of which classes shall be styled and known as permanent stock which shall, not be withdrawable but may be transferred subject to the by-laws of such association, and each member thereof shall take and hold at least one share of said permanent stock; and the other class of shares may be styled and known as ordinary stock, which may be repaid, transferred, or withdrawn in accordance with the by-laws of such association,

and the shares of either class may be of amounts not less than five nor more than twenty-five dollars each, and may be paid for in one sum or by periodical installments or by occasional subscriptions or by the interest thereon, or by profit dividends.

SECTION 5. That it shall be the duty of any such association to exhibit in some conspicious place in its principal office not later than three o'clock, P. M., on the first business day of every month, and to continue the same in such place until the next exhibit shall be thus made, a statement showing correctly and distinctly the amount of such invested stock capital, and what proportion such stock capital bears to such loans or deposits, such statement to be made up to the close of the next preceding month, and to be signed by the president and treasurer, or by any two of the directors, and to be attested by the secretary and auditors of such association, and if any of such officers as aforesaid shall willfully make or knowingly consent to any false statement in such exhibit, he shall by so doing be deemed to have committed a misdemeanor, and shall, upon conviction thereof, be punished as provided in section thirteen of this act: *Provided*, Any member or other person having an interest in the funds of such association or any person legally authorized to assess property for taxes may inspect its books and accounts during the official business hours, but no such member, person, or assessor, unless he be an officer of such association or be specifically authorized by a resolution thereof, shall have the right to inspect the share or other account of any other member or person without his written consent.

SECTION 6. That the amount of stock capital of such association to be taken, held, or claimed at any one time by any person or persons jointly, or by partnerships, or by corporations shall not exceed one thousand dollars, except consent therefor be voted by the members at any regular quarterly meeting thereof; nor shall any member upon any subject at any meeting be entitled to more than one vote, which shall be given in person and not by proxy, and any stock capital held by persons jointly or by partnerships or by corporations shall be voted upon as if held by one person only respectively and subject to the by-laws of such association.

SECTION 7. That it shall be lawful, if the by-laws so provide, for any minor to take and hold shares in or to make loans or deposits of money to or with any such association, and for such association to pay to any minor any moneys that may be due to him in respect of any such shares, loans, or deposits standing in his name, and his receipt therefor shall be in all respects valid in law; but such minor shall not be eligible to hold any office in such association, though he may, subject to its by-laws, vote at any meeting of its members.

SECTION 8. That any such association may buy from, sell to, and trade or deal with any of its members or other persons, partnerships, or corporations, but all transactions shall be for cash, and no credit shall either be given or taken, except that such association may contract for, and pay the wages and salaries of its employés once in each week in cash; that such association may sell real estate, improved or otherwise, on such terms that at least one fourth of the agreed price shall be paid in cash at the time of sale and that not more than three fourths of the agreed price, together with interest on the amount of principal, interest and charges owing from time to time, at a rate not exceeding six per centum per annum, may be secured by bond and mortgage, or by promissory notes and mortgages, and be made payable by fixed and equal periodical installments: *Provided however*, That such association may take or grant leases of real estate for such

terms as may be agreed upon, but no such lease for any time exceeding one year, or creating a credit or liability for any sum exceeding three hundred dollars, shall be lawful or valid until the same shall be approved by a vote of the members at any regular quarterly meeting thereof: *And provided further*, That any credit given to any such association in violation of the provisions of this act shall cause a forfeiture of any credit thus illegally given, and that a notice to such effect shall be published by such association on its letter and bill-heads, advertisements, and other publications.

SECTION 9. That the members shall be severally and jointly liable for all debts for labor or services of any kind performed for such association, and for any other debts lawfully incurred under the provisions of this act each of the members shall be liable to the amount of his unpaid stock capital and no more, but no suit shall be brought or any execution issued against any member individually until a judgment be first obtained for such labor, services, or any other lawful debts against such association, and execution thereon be returned unsatisfied in whole or in part; and in case any member shall be compelled to pay any such judgment, or any part thereof, beyond his *pro rata* liability therefor, he shall have the right to call upon all the members to pay their *pro rata* share of the same or up to their *pro rata* liability therefor, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the member or members so sued: *And it is hereby provided*, That stock capital to the extent of twenty-five dollars belonging to any member in such association who is a householder and has a family shall not be subject to attachment or execution or liable in garnishment for his individual debts.

SECTION 10. That any such association may carry on its business, or any part thereof, at any one or more places within this State; and may take, hold, lease, and convey such real, personal, and mixed estate as may be necessary for the purpose of its organization; and may sue and be sued in its corporate name; and may submit any matter in dispute to arbitration; and shall have a common seal, which shall not be altered or imitated, and shall bear the corporate name of together with such device or motto as may be adopted by such association, and such seal shall be impressed upon the articles of association; and any such association may, for all and every and any of the purposes of its organization, and for every and any other purpose incidental thereto, or in this act mentioned or referred to, lay out and use its capital or other moneys and property for the time being, or any part thereof, with power to do, authorize, and exercise all acts and powers whatsoever in the opinion of the directors of such association, requisite or expedient to be done or exercised in relation thereto.

SECTION 11. That any such association may, by a majority vote of its members at any meeting specially convened therefor, authorize the directors thereof to invest in the name of such association such an amount of its stock capital or reserve fund, and on such terms as such meetings shall determine, in the stock capital of any other duly incorporated coöperative associations in this State, or in any other State or country; and any such association may, by a like vote, permit an investment in its stock capital by any other coöperative association duly incorporated in this Stale or in any other State or country: *Provided*, That the original laws of such associations permit or authorize such investments.

SECTION 12. That the first meeting of any such association may be called by a notice signed by any two of the associates who signed its articles of association, setting forth the time, place, and objects of such meeting; such notice to be mailed to the address of each associate at least four clear days

prior to such meeting; and a majority of such associates at such meeting shall be competent to make all such by-laws as they may deem necessary for the proper management of the business, property, and affairs of such association, so that such by-laws are not repugnant to or inconsistent with the provisions of this act or of any law of this State and of the United States; to elect the first president and secretary, both of whom shall be directors, *ex-officio*, treasurer, and either six, eight, or ten directors, and two auditors; all of whom shall be members of such association and hold their offices until their successors shall have been elected in accordance with section fifteen of this act, and to transact any other business necessary for the organization of such association and appropriate to such meeting; and the secretary of such meeting shall make full and correct minutes of its proceedings upon the books of such association, and the same being signed by its chairman, shall be deemed and taken to be *prima facie* evidence of the action of such meeting.

SECTION 13. That every such association shall hold regular quarterly meetings of its members in the months of January, April, July, and October, at such place as the directors shall determine and publish, for the purpose of considering and determining upon any matter not requiring special notice, relating to the business of such association, and at each quarterly meeting the directors shall present a full and complete report, signed by the president, of such association's transactions during the last preceding quarter, accompanied by such information and suggestions in relation to the affairs of such association and to the future management thereof as may be for the best interests of the association; and they shall also present at each quarterly meeting an account of all cash receipts and payments and of the losses and gains of such association for the last preceding quarter; and also a general statement or balance-sheet of such association's funds and effects, liabilities, and assets as at the close of the last business day of said quarter, and such account and general statement shall be signed by the president and treasurer and be attested by the secretaries and auditors of such association; and a copy of such report, account, and general statement shall be kept posted up, for three months at least, in a conspicuous place in the principal office and other places of business of such association; and any director, president, treasurer, secretary, auditor, or other officer, who shall include or knowingly consent to any false statement in such report, account, or general statement, or in any other statement required to be made by this act or by any vote of the members at any meeting thereof, shall be deemed guilty of misdemeanor, and upon conviction thereof be punished by a fine of not more than one thousand dollars or imprisonment in State prison for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

SECTION 14. That after the first election of the directors, officers, and auditors as provided in section twelve of this act, the president, secretary, treasurer, and one half of the directors and auditors shall be elected at the quarterly meeting in January, and the other half of the directors and auditors shall be elected at a quarterly meeting in July, and shall hold the several offices for one year or until their successors are elected, and the directors shall decide by lot or otherwise, as they may deem best, who shall constitute the first half of the directors and auditors to retire at the first election that may be made at a quarterly meeting as aforesaid. The by-laws of such association shall provide how nominations shall be made and votes be taken for president, secretary, treasurer, directors, and auditors, and also to their eligibility and qualifications for their several duties, responsibili-

ties, and remuneration, and for their removal from office for good and sufficient cause: *Provided*, That each of the official acts of the board of directors shall be by a majority vote of all the directors-elect, and shall be recorded, with the yeas and nays thereon, in the minute-book of such association.

SECTION 15. That the profits shall be ascertained and declared on all business carried on in each department or branch, or by, or for, or on account of any such association for each quarter year ending with the months of March, June, September, and December, and the profits realized shall be applied as follows:

First. In reduction of the value of the fixed stock and plant of such association at the annual rate of ten per centum or more, on fixtures, machinery, tools, et cetera, and of two and one half per centum or more on warehouses, stores, or other buildings, as the directors shall determine and order.

Second. In the reduction of the preliminary expenses, if any incurred in the formation of such association and remaining unwritten off in its books at such rate, being not less than five per centum per annum as the directors shall determine and order.

Third. In the providing for or payment of interest at the annual rate of six per centum on permanent stock and five per centum on ordinary stock and the reserve fund: *Provided, however*, That such interest shall be credited to each member, but shall not be paid until his stock is fully paid up.

Fourth. In forming, by applying such sum or percentage of the net or remaining profits after providing for the preceding charges as the directors shall determine and order, a reserve fund, to which also all fines and forfeitures shall be carried, applicable as follows: First, to the equalization of dividend; second, to meet any contingency affecting the business of such association; and, third, to any other purpose as may be voted by the members on the recommendation of the directors.

Fifth. In forming and maintaining a propaganda and social fund, to which shall be credited such sum, being not less than two and one half per centum of the net profits, as the directors shall determine and order.

Sixth. And the remainder of the net profits shall be divided as follows: On the wages and salaries of employés the same rate, and on the purchases by non-members, one half of the rate that may be allotted on the purchases by members, such wages or salaries to be the amount earned, and such purchases to be the amount actually paid for in cash during the period to which such division relates: *Provided*, That no profit-dividends shall be allowed on the purchase of such articles as the directors may have given previous notice of their intention to exclude from participation in profits: *And provided further*, That all such profit-dividends shall be credited to such members, non-members, and employés respectively, to accumulate and be applied in or toward the payment of shares of permanent stock of ordinary stock, as the directors may from time to time determine, and order the issue of paid-up certificates therefor, until the amount of stock capital held by such members individually reaches the limit allowed by this act; after which the profit-dividends may be paid to such members as shall be provided for in the by-laws of such association.

SECTION 16. That every such association shall have a regular business office to which all communications and notices shall be addressed; and service of any legal process on any association shall be made by leaving at such office a true copy of such process with any director, officer, clerk, or agent of such association; and in case such office shall be kept closed

against such service, then service of such process may be made on such association by giving a true copy thereof to any of its directors or officers if found in the county wherein such office is located; and if on a return of such process, it appears that such office is kept closed, or that such directors or officers could not be found within the said county, then such process may be served on such association by serving a true copy thereof on any of its directors or officers wherever found within this State; and failing in that, and on a return made to such effect, the court may order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper published at or as near as may be to the place where the principal office of such association is located, and proof of such publication shall be held to be due service on such association.

SECTION 17. That every person appointed to any position in any such association requiring the receipt, payment, management, or use of money belonging to such association shall, before entering upon the discharge of his duties, become bound with two or more good and sufficient sureties in such sum and form as the directors shall require and approve; and the directors may also require from any other employés of such association bonds with good and sufficient sureties for the faithful discharge of their duties.

SECTION 18. That any such association may charge any of its members, employés, or other persons doing business with it by way of fine, for any breach of non-observance of its by-laws or any of its business rules and regulations, such reasonable sum, not more than five dollars for each offense, as the directors may determine and order, and all such fines shall be due and payable forthwith, and if not paid, the same may be deducted from any moneys due, credited, or accruing to the parties so offending.

SECTION 19. That if any director, officer, clerk, agent, or other person in the employment of any such association shall embezzle or fraudulently dispose of or convert to his own use, or shall take or secrete, with intent to embezzle and convert to his own use, any money or other property of such association or of any of its dealers or customers which shall have come into his possession or shall be under his charge by virtue of such office, or employment, or otherwise, he shall be deemed by so doing to have committed the crime of embezzlement, and shall upon conviction thereof be punished as the law directs.

SECTION 20. That any such association may alter or amend its articles of association, and may alter or rescind any by-law or make any additional by-law, with the consent of a majority of its members present at a special meeting convened for such purpose; but the notice calling such meeting shall set forth fully and clearly the proposed alteration, amendment, recission, or addition, and any alteration or amendment of the articles of association shall be filed, recorded, and certified in the same manner as the original articles of association.

SECTION 21. That the articles of association and by-laws and any amendments thereto or alterations therein, respectively, of any such association, shall be recorded in a book to be kept for that purpose, and such book shall be open during business hours at the principal office of such association for the inspection of its members and other persons having an interest in its funds, and such articles of association, by laws and amendments thereto and alterations therein, respectively, so recorded shall be binding on such association, its directors, officers, members, and employés, and on all other persons having an interest in the funds of or dealing with such association, and all persons claiming on account of any or either of them or under such articles of association, by-laws, or amendments thereto or alterations therein,

respectively, to the same extent as if each and every such person had subscribed his name and affixed his seal thereto and there were in such articles of association, by-laws, or amendments thereto or alterations therein, respectively, contained a covenant on the part of himself, his heir, executors, administrators, and assigns to conform to such articles of association, by-laws, and amendments thereto or alterations therein, respectively, subject to the provisions of this act, all of whom shall be deemed and taken to have full notice thereof by such record as aforesaid, and the entry of such articles of association, by-laws, and amendments thereto or alterations therein, respectively, in the books of such association, or a true copy of the same, examined with the original and proved to be a true copy, shall be received as evidence thereof in all courts and places.

SECTION 22. That any coöperative association now in existence in this State, whether incorporated or unincorporated, shall be entitled to all the benefits of this act by complying with its provisions, and may, by a vote of the majority of the members of such coöperative association, to be taken according to its existing articles of association or by-laws, determine to avail itself of the provision of this act, and to take and assume corporate name and powers thereunder and may, by a like vote, transfer to such association so formed under this act all its property, real, personal, and mixed, and thereupon such association to which said property is so transferred shall take the same in the same manner to the same extent, and with the like effect as the same was previously owned and held by the association so transferring the same, and may in its corporate name sue for and collect all dues and demands, subscriptions and other benefits belonging to such original incorporated or unincorporated association: *Provided, however,* That such association so taking such property as aforesaid shall take the same subject to all liens and trusts, both legal and equitable, to which the same was subject before such transfer, and shall also be liable for all debts and obligations of such previous association and shall pay the same to the full extent of the value of such property at the time of so taking the same.

SECTION 23. That any such association desiring for any reason to be dissolved prior to the expiration of the term of years specified in its articles of association may by a resolution passed at a special meeting therefor, by a majority vote of all the members of such association, authorize its directors or a special committee of members to prepare or have prepared a full and true exhibit of the affairs, property, and conditions of such association, including an itemized statement of all its assets and liabilities, and also report whether, in the opinion of such directors or committee, it would be best to continue or close up any or all of the business of such association, and in the latter case to recommend such methods and means as in their judgment be best adapted for closing up such business, such exhibit, report, and recommendation to be printed, and a copy thereof to be mailed, postage prepaid, to the last recorded address of every member of such association, together with a notice from the president of such directors or chairman of such committee, as the case may be, convening a special meeting of the members to be held at such time, being not less than ten nor more than fifteen days from the date of mailing such notice, as such directors or committee shall determine and order for the purpose of considering and acting on such exhibit, report, and recommendation as to such special meeting shall seem best: *Provided,* That all votes taken on such recommendation at such special meeting shall be by ballot, and that it shall require three fourths of all the ballots cast to carry any motion for the winding up and dissolution of such association: *Provided also,* That such president or chairman as afore-

said shall mail to every member of such association, along with the notice for the last-mentioned special meeting, a printed form of ballot for the use of such members as may be unable to attend at such special meeting, on which shall be printed two questions, as near as may be in the following words: "Are you in favor of the winding up and dissolution of the association? Answer yes or no. Are you in favor of the plan as recommended for those purposes? Answer yes or no." And such answers shall be signed by the members so answering, and such ballots may be addressed and mailed, postage prepaid, or be personally delivered to such president or chairman as aforesaid, at the principal office of such association, and all such ballots so received prior to or at the time appointed for such special meeting shall be opened and counted by the scrutineers or tellers appointed by such special meeting, along with the ballots cast on the same or like questions by the members present at such special meeting: *And provided further*, That in the event of a resolution being passed as aforesaid by such special meeting, for the winding up and dissolution of such association, a copy of such resolution, duly certified by the official signatures of the president and secretary and sealed with the common seal of such association, shall be given to, and shall contain full instructions and authority for, the parties to be named therein, to assume and discharge the duties entrusted to them by such resolution; and upon the completion of such duties by said parties, they shall make a certificate, signed and sworn to by them before a notary public, upon such certified copy of the aforesaid resolution that they have truly and faithfully discharged all the duties entrusted to them thereby, and that they have realized all the assets and settled all the liabilities of such association in accordance with the instructions and authority given to them by such resolution; and such certificate and certified copy of such resolution shall be filed by such parties in the offices of the Secretary of State of this State, and of the clerk of the county wherein the principal office of such association was located, and such certificate and certified copy of resolution shall be recorded by the said secretary and clerk in like manner as the articles of association of such association were recorded.

SECTION 24. That this act shall take immediate effect.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 18, entitled "An act to encourage and authorize the formation of coöperative associations, productive and distributive, by farmers, mechanics, laborers, or other persons."

There are several features of this bill which are violative of the Constitution of the State, and render it impossible for me to affix my signature to it.

The articles of association are required to state, among other things, "whether its stock capital is fixed, and, if so, at what amount, or whether such capital is to be of an amount varying from time to time, as the business may require." The stock capital is to be of two kinds: one called "permanent stock" and the other "ordinary stock." The former shall not be withdrawable, but the latter may be repaid, transferred, or withdrawn.

By this arrangement, the amount of the capital stock might be constantly changing according to the whims or wishes of one or more of the shareholders. The withdrawal of shares might cause a decrease of the capital stock at any time, and there is no limitation upon the allotment of shares to members, so that it might be increased to any extent at any time. This is clearly transgressive of that clause of section 7 of Article XVI of the Constitution whose inhibition is contained in these words: "The stock and indebtedness of corporations shall not be increased except in pursuance of the general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days' notice given in pursuance of law." There is a general law in existence providing the manner in which capital stock shall be increased or decreased.

Again: This bill authorizes the issue of shares of either class of stock which "may be paid for in one sum, or by periodical installments, or by occasional subscriptions, or by the interest thereon, or by profit dividends." This is unwarranted, for the first clause of the section hereinbefore cited provides that "no corporation shall issue stocks or bonds except for money, labor done, or money or other property actually received."

Further: It is provided, "that it shall be lawful * * * * for any minor to * * * * make loans or deposits of money to or with any such association," &c. This provision would confer upon these associations the privileges of banks of deposit, and allow the exercise of them without previous public notice of the application for a charter, and the charter would be without limitation of time upon the grant of these privileges. This is expressly forbidden by section 11 of Article XVI of the Constitution, in the following language: "No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years."

It is unnecessary to consider any of the other features of the bill, as the objections herein pointed out are insuperable.

ROBT. E. PATTISON.

No. 51.

AN ACT

For the relief of the estate of Doctor William J. Haus, deceased, of the borough of Mount Carmel, Northumberland county.

WHEREAS, During the labor troubles in the coal regions of the State, a company of Pennsylvania cavalry, commanded by Captain Walker, of Chambersburg, Pennsylvania, was stationed at Mount Carmel, Northumberland county, for the purpose of suppressing any disorders that might arise;

And whereas, During the stay of the company at that place, the smallpox broke out among the members of the company, and fifteen members required the attendance of a physician; and at the request of the captain of the company, Doctor William J. Haus attended these cases and other cases of sickness among the men during the time they were performing military duty for the Commonwealth, and furnished medicines at his own

expense, and was never paid for said services by the State, nor remunerated from any source, and has recently died; therefore,

SECTION 1. *Be it enacted, &c.*, That the State Treasurer be and he is hereby authorized and directed to pay unto the administrator of the estate of Doctor William J. Haus, deceased, two hundred and thirty-two dollars immediately after the passage of this act, out of the moneys of the treasury not otherwise appropriated.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 32, entitled "An act for the relief of the estate of Doctor William J. Haus, deceased, of the borough of Mount Carmel, Northumberland county."

This bill is objectionable in several particulars. The time when the services for which payment is to be made were rendered is not stated with any degree of definiteness. No year is given. The period is fixed as "during the labor troubles in the coal regions of the State."

The extent of the services rendered is shrouded in the same uncertainty. The length of time during which medical attention was given, the number of visits paid, the items and amounts of charges, are all left to conjecture, so far as the Commonwealth can be informed. It seems to me that in cases of this character, the accounts should be subjected to the supervision of the accounting officer of the State before payment by the Treasurer; and bills which appropriate the moneys of the State without this safeguard, cannot ordinarily be justified. All such claims should be carefully audited; and especially is this true when a long period of time has elapsed since the facts arose upon which the claim is founded. For these reasons I decline to approve this bill.

ROBT. E. PATTISON.

No. 52.

AN ACT

Providing for the establishment and operation of a scientific agricultural experiment station and providing the means therefor.

SECTION 1. *Be it enacted, &c.*, That in order to promote the advancement of practical and scientific agriculture and the development of agricultural resources of the State, the Pennsylvania Agricultural Experiment Station is hereby established.

SECTION 2. That the said station shall be located at and in connection with the Pennsylvania State College, and shall be under the direction and control of a board of managers, consisting of the Governor of the Commonwealth, the Secretary of the State Board of Agriculture, two members to be elected by the State Board of Agriculture, one for the term of two years and the other for the term of four years, their successors to be elected for

the term of four years each, the president of the State Agricultural Society, the president of the State Dairymen's Association, the president of the State Horticultural Association of Pennsylvania, the president of the State College, the professor of agriculture of the State College, the master of the State Grange of the Patrons of Husbandry, and two members to be elected by the board as above constituted, one for the term of one year, one for the term of three years, and their successors for a term of four years each.

SECTION 3. That the board of managers shall meet for organization on the call of the secretary of the Board of Agriculture, and shall organize by the election of a president, a secretary, and a treasurer, who shall hold office for one year and until their successors are elected. Five members of the board shall constitute a quorum.

SECTION 4. That the board of managers shall hold a meeting each year, at Harrisburg, on the fourth Tuesday of January, and other meetings, at the call of the president or on the request of a majority of the members of the board, at such times and places as may best promote the objects of the station. They shall have the management of the experiment station, and shall appoint a director to have general oversight and direction of the experiments and investigations there conducted and such chemists and assistants as may be necessary for carrying on the work of the station. They shall publish, as promptly and frequently as their facilities will allow, such results as they may deem likely to be of interest or service to the farmers of the State or to promote the advancement of agricultural science, and shall make an annual report of their operations to the Governor, and ten thousand copies of the same shall be printed by the State Printer for general distribution by the managers of the station. It shall be their duty to carry on experiments and investigations respecting the nutrition and growth of plants, to analyze commercial fertilizers, to test soils, seeds, cattle, foods, milk, water, and other agricultural products, and to do such other things as will secure the objects of such a station and as the case will allow.

SECTION 5. That the said board of managers shall receive no compensation for their services as such, but shall be paid the expenses actually and necessarily incurred when engaged in the performance of the duties required by this act, such payment to be made out of the treasury of the State on the certificate of the president and secretary of the said board.

SECTION 6. That the sum of eight thousand dollars, ($8,000,) each year for four years, is hereby appropriated to the maintenance and support of said experiment station, which sum shall be paid out of the treasury of the State to the treasurer of said board of managers in equal quarterly payment, on the first days of January, April, July, and October; said treasurer to give bonds in the sum of eight thousand dollars ($8,000) for the proper and faithful discharge of his duties, with two sufficient securities, approved by the Governor, but the board of trustees of said State college shall provide the necessary chemical laboratories and experimental lands for the purposes herein set forth, free of all charge whatever to the State or to the said board of managers.

SECTION 7. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 66, entitled "An act providing for the establishment and operation of a scientific agricultural experiment station and providing the means therefor."

This bill establishes what it terms a scientific agricultural experiment station at and in connection with the Pennsylvania State College, and appropriates eight thousand dollars yearly, for four years, for maintaining the said station. A bill for a similar purpose to this was passed at the session of the Legislature of 1883, and was filed in the proper office, with objections by the Executive, on the 5th day of July, 1883. I refer to that paper for a statement of my general objections to the purpose of this bill. The history of the State College is not such as to induce me to look with favor upon any legislation having in view the expenditure of more money upon it, or the enlargement of its field of operations. It has not been productive of any practical results commensurate with its cost. I still adhere to the belief heretofore expressed that any money intended to aid the agricultural interests could be better and more economically used through the State Agricultural Board than through any other medium. That board has the con fidence of the agricultural community, and its work has been highly satisfactory and done at a moderate cost. To adopt this bill would be to dissipate the resources of the Commonwealth available for agricultural purposes and establish a permanent experiment to be a yearly drain on the treasury. Moreover, if such an enterprise as that intended by this bill is to be established, it seems to me that it would be much better to locate it upon or near the main line of some railroad, where it would be more accessible, than at the remote point now occupied by the State College.

ROBT. E. PATTISON.

No. 53.

AN ACT

Regulating proceedings upon mortgages.

SECTION 1 *Be it enacted &c* That whenever land tenements and hereditments shall be sold by virtue of a writ of *levari facias* issued in proceedings upon a mortgage for more than will satisfy the debt interest and reasonable cost in said proceedings the sheriff or other officer who shall make the sale shall pay the surplus to the defendant or defendants in the said writ unless there are other liens or encumberances on said mortgaged premises entitled thereto: *Provided*, That said defendant or defendants were at the time of making the sale the owner or owners of the title to mortgaged premises and in case the title to the premises mortgaged and described in said writ of *levari facias* shall have been conveyed by the mortgagor or mortgagors or if by virtue of legal process the same has become vested in anoth then the said sheriff or other officer executing said writ shall pay the surplus to the owner of said title at the time of such sales unless the court out of which said writ of *levari facias* issued shall order other wise.

SECTION 2 That in all cases where any mortgage may have become and remained due and payable by its terms and conditions for the space of six months or more and any dispute shall have arisen between the parties as to the amount to be paid upon said mortgage in order to satisfy the same in full it shall be lawful for the mortgagor or mortgagors his her or their legal representatives or the owner or owners of the mortgaged premises or any or either of them to petition the court of common pleas of the county wherein the mortgaged premises are situate setting forth the premises whereupon the said court shall direct the sheriff of said county to serve a notice stating the facts set forth in the petition on the holder or holders of any such mortgage or his or her or their legal representatives or representatives requiring the said parties to cause a writ of *scire facias* to be issued returnable to the next term upon the aforecited mortgage together with a statem—ent duly verified of the amount claimed to be due upon the said mortgage and the said cause shall thereupon be proceded with in due course of law in the same maner and form as is practiced in the courts of this Commonwealth in the cases of *scire facias* upon mortgages and mechanics liens: *Provided*, That no non suit shall be allowed or discontinuance permitted of said *scire facias* without the consent of all parties and the court.

SECTION 3 If the or holders of the mortgages referred to in the first section of this act shall refuse or neglect for the space of sixty days after the notice requred by the first section of this act shall have been served by the sheriff to issue a writ of *scire facias* to collect the balance claimed to be due upon the said mortgage it shall be lawful for the mortgagor or mortgagors or the owner or ow-ners of the mortgaged premises to pay into court the amount admitted by him or them to be due upon the said mortgage And the said court on due proof being made of the service by the sheriff of the notice requred by this act is hereby authorized and requ-ired to deree and direct that satisfaction shall be entered upon the record of said mortgage by the recorder of the proper county on payment of the costs due relative to entering satisfaction thereon which said satisfaction so entered shall forever discharge and release the same and effectually to all intents and purposes as if the said satisfaction had been entered by the legal holder or holders of said mortgage.

SECTION 4 All acts or parts of acts inconsistent herewith are hereby repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 84, entitled "An act for regulating proceedings upon mortgages."

This bill comes to me, as do all other bills, certified by one of the committee to compare bills, and signed by the presiding officers of the two Houses of the General Assembly; and yet, owing to the incapacity or carelessness, or both, of the transcribing clerk, it is in a condition unfit to go upon the statute-book. There is no authority anywhere given to any person

to remedy such defects, and were it to become a law by the affixing of my signature, it would have to be printed as it is written. It is grossly defective in orthography. Hereditaments is spelled "hereditments;" encumbrances, "encumberances;" proceeded, "proceded;" manner, "maner;" required, "requred;" decree, "deree;" costs is written "cost." Syllables and words are omitted. Another is written "anoth." The first line of section 3 begins: "If the or holders of the mortgages," &c. The word "owners" is evidently omitted. There is a substitution of a wrong for the proper word. What was meant to be "Shall forever discharge and release the same *as* effectually," &c., is rendered, "Shall forever discharge and release the same and effectually," &c.

These inaccuracies and blunders are wholly inexcusable. I am led to make these comments by the fact that some of the bills passed at the recent session have been reluctantly signed by me, although they show similar inaccuracies and blunders, because I was of the opinion that they contain needed legislation.

There is no necessity for the changes made by this bill so urgent as to require me to overlook its glaring defects; and therefore I withhold my signature from it.

ROBT. E. PATTISON.

No. 54.

AN ACT

Making an appropriation for the relief of Hiram Koonce of Mercer county.

WHEREAS, Edward Koonce, late a private of company A, Fifteenth regiment, National Guard of Pennsylvania, did, in the month of July, Anno Domini one thousand eight hundred and seventy-seven, while in the military service of the Commonwealth and in the line of his duty, contract disease in consequence of which he died on the ninth day of February, Anno Domini one thousand eight hundred and eighty;

And whereas, The said Edward Koonce was possessed of no property of any kind or description whatever, and became and was a charge upon his father, Hiram Koonce, from the date of his discharge from the military service of the Commonwealth, in the month of August, Anno Domini one thousand eight hundred and seventy-seven, until the date of his death;

And whereas, The said Hiram Koonce did, during the last two years and six months of the lifetime of the said Edward Koonce, provide and furnish the said Edward Koonce with all the proper and necessary food, clothing, nursing, medicines, and medical attendance, and did pay the expenses of the funeral of the said Edward Koonce; therefore,

SECTION 1. *Be it enacted, &c.*, That the State Treasurer be and he is hereby authorized and required to pay to Hiram Koonce, of Mercer county, the sum of five hundred and twenty dollars out of any moneys in the treasury not otherwise appropriated.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 106, entitled "An act making an appropriation for the relief of Hiram Koonce of Mercer county."

This bill appropriates five hundred and twenty dollars to Hiram Koonce. He was the father of Edward Koonce, a soldier of the National Guard of the State, who, the bill says, died February 9, 1880, from disease contracted while in the line of duty, in July, 1877. To re-imburse the father for the cost of maintaining and caring for his son and burying him, this bill makes the appropriation named. The Constitution expressly forbids the General Assembly making such appropriations. Section 18 of Article III provides that "no appropriations (except for pensions or gratuities for military services) shall be made for charitable, educational, or benevolent purposes to any person or community." Hiram Koonce, the beneficiary of this bill, performed no military services, and however strongly his condition may appeal to private charity, he cannot be relieved from the public treasury.

ROBT. E. PATTISON.

No. 55.

A SUPPLEMENT

To an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, amending the twelfth section of said act, and thereby relieving full-paid capital stock from liability to further assessment.

SECTION 1. *Be it enacted, &c.*, That the twelfth section of an act entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, which reads as follows: "The stock of every corporation created under the provisions of this statute shall be deemed personal property, and no shares shall be transferable until all previous calls thereon shall have been fully paid in or shall have been declared forfeited for the non-payment of calls thereon, and every corporation may from time to time, at a legal meeting called for the purpose, assess upon each share of stock such sums of money as the corporation may think proper, not exceeding in the whole the amount at which each share was originally limited, and such sums assessed shall be paid to the treasurer at such times and in such installments as the corporation directs. No note or obligation given by a stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock, and it shall not be lawful for any such corporation to use any of its funds in the purchase of any stock in any other corporation, or to hold the same except as collateral security for a prior indebtedness, except as provided in section thirty-seven of this act," be amended so that the twelfth section shall read as follows: "The stock of every corporation created under the provisions of this statute shall be deemed personal property, and no shares shall be transferable until all

previous calls thereon shall have been fully paid in or shall have been declared forfeited for the non-payment of calls thereon. No note or obligation given by a stockholder, whether secured by pledge or otherwise, shall be considered as payment of any part of the capital stock, and it shall not be lawful for any such corporation to use any of its funds in the purchase of any stock in any other corporation or to hold the same, except as collateral security for a prior indebtedness, except as provided in section thirty-seven of said act" and section second of this act.

SECTION 2. That any corporation organized under the corporation act of one thousand eight hundred and seventy-four and its supplements, may invest its funds in the purchase of shares of stock of any other corporation leased, merged, operated, or controlled by it.

SECTION 3. That all companies incorporated under the provisions of said act and its supplement "for holding, leasing, and selling real estate," and whose capital now is or may be increased to a sum not less than two hundred and fifty thousand dollars, be and are hereby authorized—

First. To insure owners of real estate, mortgagees, and others interested in real estate from loss by reason of defective titles, liens, and incumbrances.

Second. To receive and hold on deposit, and in trust, and as security, estate, real and personal, including moneys, notes, bonds, obligations of States, individuals, companies, and corporations, and the same to purchase, collect, adjust, and settle, sell and dispose of in any manner without proceeding in law or equity and for such price and on such terms as may be agreed on between them and parties contracting with them: *Provided*, That nothing herein contained shall authorize said companies to engage in the business of banking.

Third. To make insurance for the fidelity of persons holding places of responsibility and of trust, and to receive upon deposit for safe-keeping jewelry, plate, stocks, bonds, and valuable property of every description upon terms as may be agreed upon.

Fourth. To act as agents, attorneys, assignees, receivers, guardians, executors, administrators, and to execute trusts of every description not inconsistent with the laws of this State or of the United States.

Fifth. To act as agents for the purpose of issuing or countersigning the certificates of stock, bonds, or other obligations of any corporation, association, municipality, State, or public authority, and to receive and manage any sinking fund thereof on such terms as may be agreed upon.

Sixth. To become sole surety in any case where, by law, one or more sureties may be required for the faithful performance of any trust or office.

Seventh. To take, receive, and hold any and all such pieces of real property as may have been the subject of any insurance made by such companies, under the powers conferred by their charter, and the same to grant, bargain, sell, convey, and dispose of in such manner as they may see proper.

SECTION 4. That whenever such companies shall receive and accept the office or appointment of assignees, receiver, guardian, executor, administrator, or be directed to execute any trust whatever, the capital of the said companies shall be taken and considered as the security required by law for the faithful performance of their duties as aforesaid, and shall be absolutely liable in case of any default whatever.

SECTION 5. That any executor, administrator, guardian, or other trustee having the custody or control of any bonds, stocks, securities, or other valuables belonging to others, shall be authorized to deposit the same for safe-keeping with said company.

SECTION 6. That whenever any court shall appoint said companies assignee, receiver, guardian, executor, administrator, or to execute any trust whatever, the said court may, in its discretion, or upon the application of any person interested, appoint a suitable person to investigate the affairs and management of the company so appointed, who shall report to such court the manner in which its investments are made, and the security afforded to those by or for whom its engagements are held, and the expense of such investigation shall be defrayed by the said company, or the court may, if deemed necessary, examine the officers of said company, under oath or affirmation, as to the security aforesaid.

SECTION 7. The said company shall keep all trust funds and investments separate and apart from the assets of the company, and all investments made by said companies as fiduciaries shall be so designated as that the trust to which such investment shall belong shall be clearly known.

SECTION 8. Such companies, before exercising any of the powers conferred by this act, shall file with the Secretary of the Commonwealth a certificate of their acceptance of the same in writing, under their duly-authenticated seal, accompanied by an affidavit of the treasurer of said corporation of the amount of cash capital which has been paid in under the provisions of their charter.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 133, entitled "A supplement to an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, amending the twelfth section of said act, and thereby relieving full-paid capital stock from liability to further assessment."

The title of this bill is defective. It does not clearly set out the purposes of the bill, which contains provisions which the title does not indicate. I am informed that, as a matter of fact, the title was corrected so as to conform to the bill during the last night of the session, when the bill passed, but that, in the hurry of that period, the title was not correctly transcribed. This is a matter, however, which it is impossible now to remedy. I am bound to take the bill as it is certified to me by the proper officers of the two Houses, and as the title is constitutionally defective, I am obliged to withhold my approval. The bill contains three distinct purposes touching corporations, while the title limits the application to one purpose only, to wit, the amendment of the twelfth section of the general corporation act of 1874. The title is thus unquestionably in violation of section 3 of Article III of the Constitution.

ROBT. E. PATTISON.

No. 56.

A FURTHER SUPPLEMENT

To an act entitled "An act dividing the cities of this State into three classes; regulating the passage of ordinances providing for contracts for supplies and work for said cities; authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same; defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," approved May twenty-third, one thousand eight hundred and seventy four.

SECTION 1. *Be it enacted, &c.*, That in any city of the fifth class in which the number of wards shall be even, there shall be elected at the election on the third Tuesday of February, one thousand eight hundred and eighty-six, and every three years thereafter, a select councilman at large, who shall have the same qualifications as other members of the select council, and who shall hold said office for the term of three years. A vacancy in said office shall be filled in the manner provided in section twenty-seven of the act to which this is a supplement for filling vacancies in the councils.

SECTION 2. That for the purpose of electing commissioners as provided in clause one of section fifty of said act, the councils of such city shall meet in joint convention, within three months from the approval of this act, and elect one person from each district, and being a citizen of said city, but not a member of said councils, nor a person holding any city office whatsoever; and the person so elected shall be styled commissioners of water and gas. The two commissioners elected from the odd-numbered districts shall hold their office for a period of four years from the second Wednesday succeeding the city election held nearest to the time of such election of commissioners, whether before or after the same; and the two commissioners elected from the even numbered districts shall hold their office for a period of two years from such second Wednesday; and thereafter, every two years, there shall be elected in joint convention of councils, on the second Wednesday succeeding the city election, two commissioners qualified as aforesaid, who shall hold said office for the period of four years, or until their successors are appointed; said commissioners shall be duly sworn or affirmed on entering upon the duties of their office to execute the same with fidelity, but no compensation shall be received by them for their services. Vacancies from any cause shall be filled by the councils in joint convention for the unexpired term of the commissioner whose place is vacated. No member of the board of commissioners shall at any time during the term of office be subject to removal from office except by indictment for misdemeanor in office.

SECTION 3. That clauses two and three of section fifty of the act to which this is a supplement be and the same are hereby repealed.

SECTION 4. That all the real estate of railroad corporations situate in cities of the fifth class, (the superstructure of the road and water stations only excepted,) and all the real estate of gas companies shall be subject to taxation for city and school purposes as other real estate in such cities is now taxed.

SECTION 5. Any such city may by ordinance, duly passed by a majority of all the members elected, by both branches of councils, and approved by the mayor, provide for the election of three assessors for such city, who shall be elected at the municipal election next following the adoption of such ordinance, and the persons so elected shall serve for the term of three years and shall constitute a board of assessors, whose duty it shall be to

assess persons and property in such city for city and school purposes only. The persons so elected shall act together in the performance of their duties and shall make a full and complete valuation and assessment by wards of all taxable property, of whatsoever kind, in such city every third year, beginning with the last year and their term, and during the two years preceding they shall so modify the assessments previously made as the change of ownership and the improvements made in such property may require, and such assessments and modifications thereof shall be deemed and considered as the annual assessment for all city and school purposes under the provisions of this act. The assessors so elected shall be resident freeholders of such city and shall be paid such salary or compensation for the performance of their official duties as shall be described by ordinance.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 190, entitled "A further supplement to an act entitled 'An act dividing the cities of this State into three classes; regulating the passage of ordinances providing for contracts for supplies and work for said cities; authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same; defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class, approved May twenty-third, one thousand eight hundred and seventy-four."

On account of the defects in the title of this bill, I am unwilling to give it my approval. It is entitled "A further supplement" to an act which divides the cities of the State into three classes, namely: the first, second, and third classes. That is all the information which the title gives. The purpose of the bill is not only not clearly expressed in its title, but it is not expressed at all. It is, therefore, within the prohibition of section 3 of Article III of the Constitution.

Moreover, the provisions of the bill relate exclusively to cities of the fifth class, a class which is not created by the act to which this bill purports to be a supplement. The act creating cities of the fifth class bears date the eleventh day of April, A. D. 1876, and no reference to it is made in the title to this bill.

ROBT. E. PATTISON.

No. 57.

AN ACT

To fix the fees of sheriffs in counties containing over five hundred thousand inhabitants, and of those performing duties under them, and the manner of collecting and paying the same.

SECTION 1. *Be it enacted, &c.*, That hereafter the fees of sheriffs in

counties containing over five hundred thousand inhabitants shall be as follows:

Upon delivery of each execution against personal property, one dollar.

For the appraisement and return of property claimed under the act of April ninth, one thousand eight hundred and forty-nine, and supplements thereto, the sum of five dollars, to be paid by the plaintiff in the execution, from which sum the sheriff shall pay each appraiser one dollar.

Attachment or replevin bond, taking and filing same, two dollars and fifty cents.

For service of attachment, (except for contempt,) two dollars.

Each garnishee besides the first, fifty cents.

For service of attachment for contempt, one dollar.

Acknowledgment of each deed, (to be paid by purchaser,) two dollars.

Preparing advertisement of goods for sale in each case, two dollars and fifty cents.

Preparing advertisement of lands or tenements for sale, (for each property,) two dollars and fifty cents.

Serving *capias* with commitment or bail-bond and return, one defendant, two dollars and fifty cents.

Each defendant besides the first, fifty cents.

Serving subpœna in divorce, two dollars.

Serving *alias* subpœna in divorce, one dollar.

Order of publication in divorce, one dollar.

Serving summons or other writ or process not herein specified, one dollar and twenty-five cents.

Each defendant besides the first, twenty-five cents.

Serving *scire facias*, one dollar and fifty cents.

Each defendant besides the first, fifty cents.

Delivering lands or tenements to creditors on *haberi facias possessionem*, three dollars.

For each juror drawn or summoned to attend at court, to be paid by the county, twenty-five cents.

Every capital cause, two dollars and fifty cents.

Every other criminal cause, one dollar and fifty cents.

Summoning jury, taking inquisition and return, four dollars.

Summoning jury of inquiry, taking inquisition and return, four dollars.

Executing writs and orders of partition, valuation and return, (each property,) four dollars.

From the receipts of the last three items, the sheriff is required to pay each juror two dollars and fifty cents per day for each day actually serving.

Watchmen for each day actually on duty, two dollars and fifty cents.

The same fee is also allowed for night duty.

The fees received for these services are to be paid by the sheriff to the watchmen employed.

Levying on goods, lands, or tenements, and selling same, or the collection of money on any process, for dollar collected or paid to him as purchase money not exceeding one thousand dollars, two per centum.

Each dollar over one thousand dollars not exceeding twenty-five hundred dollars, one per centum.

All over twenty-five hundred dollars, one half per centum.

SECTION 2. That all fees specifically allowed in this act and collected, paid to, or earned by the sheriff hereunder, the disbursement of which is

not herein provided for, shall be paid by the sheriff to the treasurer as provided by existing laws.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 193, entitled "An act to fix the fees of sheriffs in counties containing over five hundred thousand inhabitants, and of those performing duties under them, and the manner of collecting and paying the same."

This bill will apply only to the city of Philadelphia. The bill does not increase any of the fees now allowed by law, but authorizes the charging of three new kinds of fees, to wit:

"For the appraisement and return of property claimed under the act of April nine, one thousand eight hundred and forty-nine, and the supplements thereto, the sum of five dollars, to be paid by the plaintiff in the execution, from which sum the sheriff shall pay each appraiser one dollar."

"Watchmen for each day actually on duty, two dollars and fifty cents."

"The same fee is also allowed for night duty. The fees received from these services are to be paid by the sheriff to the watchmen employed."

"Levying on goods, lands, or tenements, and selling the same, or the collection of money on any process for (each) dollar collected or paid to him as purchase money not exceeding one thousand dollars, two per centum."

Without now discussing whether the additional fees thus allowed are extravagant or not, or may in their operation prove burthensome, I disapprove of the bill because of my objections to the general policy of increasing fees. The sheriff of Philadelphia county has heretofore conducted his business without being allowed any of these fees; and in the past no complaint was made that the fee bill was insufficient. During a long course of years, no poundage has been allowed on sums less than one thousand dollars; and the same is true also of the fee proposed for an appraisement made upon a claim of the exemption law. The appointment of watchmen has heretofore been a voluntary thing by the sheriff, and generally at the personal request and cost of the plaintiff in the execution. There is no public requirement now calling for these increased costs upon debtors, and in the absence of such a demand, I regard it as impolitic and partaking of the nature of an oppression to add to the burthens of the unfortunate pursued to execution for the payment of their debts.

ROBT. E. PATTISON.

No. 58.

A SUPPLEMENT

To an act entitled "An act to consolidate, revise, and amend the penal laws of this Commonwealth," approved the twelfth day of June, one thousand eight hundred and seventy-nine, providing for the punishment of certain persons as officers, directors, superintendents, managers, receivers, employés, agents, attorneys, brokers, or members of banks and other bodies corporate, public companies, municipal or quasi-municipal corporations.

SECTION 1. *Be it enacted, &c.*, That the first section of the supplement to an act entitled "An act to consolidate, revise, and amend the penal laws of this Commonwealth," approved the twelfth day of June, Anno Domini one thousand eight hundred and seventy-eight, which reads as follows: "If any person being an officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any banks or other body corporate, or public company, municipal or quasi-municipal corporation, shall fraudulently take, convert, or apply to his own use or the use of any other person any of the money or other property of such bank, body corporate, or company, municipal or quasi-municipal corporation, or belonging to any person, or corporation, or association, and deposited therein or in possession thereof, he shall be guilty of a misdemeanor," be and the same is hereby amended so that it shall read as follows: "If any person being an officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any bank or banking association, either private or corporate, or other business where money or property is received upon deposit, or of any body corporate, or public company, or of any society, either religious, benevolent, secret, or of any educational school, or place of public instruction or amusement, municipal or quasi-municipal corporation, shall fraudulently take, convert, or apply to his own use, or the use of any other person, any of the money or other property of such bank or banking association, or other business where money or property is received upon deposit, or of any body corporate, or public company, municipal or quasi-municipal corporation, or belonging to any person or persons, corporation, or society, either benevolent, religious, or secret, or of any educational school or place of public instruction or amusement, or of any association, and deposited therein or in possession thereof, he shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars and undergo an imprisonment by separate or solitary confinement at labor not exceeding six years."

That the second section of said supplement, which reads as follows: "If any person being an officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any body corporate, or public company, or municipal or quasi-municipal corporation, shall as such receive or possess himself of any money or other property of such corporate or public company, municipal or quasi-municipal corporation, otherwise than in payment to him of a just debt or demand, and shall, with intent to defraud, omit to make, or cause or direct to be made, a full and true entry thereof in the books and accounts of such body corporate, public company, municipal or quasi-municipal corporation, he shall be guilty of a misdemeanor," be and the same is hereby amended so that the same shall read as follows:

"SECTION 2. If any person being an officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any

bank or banking association, either private or corporate, or other business where money or property is received on deposit, or of any body corporate, or public company, or of any society, either religious, benevolent, or secret, or of any municipal or quasi-municipal corporations, or of any educational school or place of public instruction or amusement, shall, as such superintendent, manager, receiver, employé, agent, attorney, broker, or member, receive or possess himself of any money or other property of such bank or banking association, or of such other business where money or property is received upon deposit, or of any body corporate or public company or society, either religious, benevolent, or secret, or of any municipal or quasi-municipal corporation, or educational school or place of public instruction or amusement, otherwise than in payment to him of a just debt or demand, and shall, with intent to defraud, omit to make, or cause or direct to be made, a full and true entry thereof in the books and accounts of such banks, banking association, or other business where money or property is received upon deposit, or of any society, either religious, benevolent, or secret, or of any educational school or place of public instruction or amusement, or body corporate, municipal, or quasi-municipal corporation, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars, and undergo an imprisonment by separate or solitary confinement at labor not exceeding six years."

That the third section of said supplement, which reads as follows: "If any officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any bank or other body corporate, or public company, municipal or quasi-municipal corporation shall, with intent to defraud, destroy, alter, mutilate, or falsify any of the books, papers, writings, or securities belonging to the bank, body corporate, or public company, municipal or quasi-municipal corporation, of which he is a director, officer, superintendent, manager, receiver, employé, agent, attorney, broker, or member, or shall make or concur in the making of any false entry or any material omission in any book of accounts or other documents, he shall be guilty of a misdemeanor," be and the same is hereby amended so that it shall read as follows, namely:

"Section 3. If any officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any bank or banking association, either private or corporate, or other business where money or property is received upon deposit, or of any body corporate or public company, or of any society, either religious, benevolent, or secret, or of any municipal or quasi-municipal corporation, or of any educational school or place of public instruction or amusement, shall, with intent to defraud, remove, destroy, alter, mutilate, or falsify any of the books, papers, writings, or securities belonging to such bank, banking association, or other business where money or property is received upon deposit, or of any body corporate or public company or society, either religious, benevolent, or secret, or of any municipal or quasi corporation, or of any educational school or place of public instruction or amusement, or shall concur in the making of any such false entry, removal, destruction, alteration, falsification, or material omission in any such book, paper, writing, or security or other document, he shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars and undergo an imprisonment by separate or solitary confinement at labor not exceeding six years."

That the fourth section of said supplement, which reads as follows: "If

any officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any bank, or any other body corporate or public company, municipal or quasi municipal corporation, shall make, circulate, or publish, or concur in making, circulating, or publishing any written or printed statement or account which he shall know to be false in in any particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate, or public company, municipal or quasi-municipal corporation, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any money or property to such body corporate or public company, or to enter into any security for the benefit thereof, shall be guilty of a misdemeanor," be and the same is hereby amended so that the same shall read as follows, namely:

"SECTION 4. If any officer, director, superintendent, manager, receiver, employé, agent, attorney, broker, or member of any bank or banking association, either private or corporate, or other business where money or property is received upon deposit, or of any body corporate, or public company, or of any society, either religious, benevolent, or secret, or of any municipal or quasi-municipal corporation, or of any educational school or place of public instruction or amusement, shall make, circulate, or publish, or concur in making, circulating, or publishing any written or printed, or partly written and partly printed statement or account, which he shall know to be false in any particular, or shall make any statement concerning the solvency of such bank or banking association, either private or corporate, or other business where money or property is received upon deposit, or body corporate, public company, or society, either religious, benevolent, or secret, or municipal or quasi-municipal corporation, or educational school or place of public instruction or amusement, which he shall know to be false in any particular, with intent to induce any person or persons, corporation, association, society, or company, to loan to or deposit money or other valuable security or property in such bank, banking association, or business where money or property is received upon deposit, body corporate, or public company, or society, either religious, benevolent, or secret, or any municipal or quasi-municipal corporation, or any educational school or place of public instruction or amusement, or to induce any person to become a shareholder or partner, or to interest or advance any money or property, or to deceive or defraud any member, shareholder, or creditor of such bank, banking association, or other business where money or property is received upon deposit, society, municipal or quasi-municipal corporation, educational school, or place of public instruction or amusement, or to enter into any security for the benfit thereof, he shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars and undergo an imprisonment, by separate or solitary confinement at labor, not exceeding six years."

That the sixth section of said supplement, which reads as follows: "That indictments for misdemeanors committed by any officer, director, receiver, superintendent, manager, broker, attorney, agent, employé, or member of any bank, body corporate, or public company, municipal or quasi-municipal corporation, may be commenced and prosecuted at any time within four years from the time the alleged offense shall have been committed, be and the same is hereby amended to read as follows, namely:

"SECTION 5. That indictments for misdemeanors committed under any of the provisions of this supplement by any officer, director, receiver, superintendent, manager, broker, attorney, agent, employé, or member of any bank or banking association, either private or corporate, or other business

where money or property is received upon deposit, or of any body corporate, or public company, or society, either religious, benevolent, or secret, or of any municipal or quasi-municipal corporation, or educational school, or place of public instruction or amusement, may be commenced and prosecuted at any time within four years from the time the alleged offense shall have been committed."

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 210, entitled "A supplement to an act entitled 'An act to consolidate, revise, and amend the penal laws of this Commonwealth,' approved the twelfth day of June, one thousand eight hundred and seventy-nine, providing for the punishment of certain persons as officers, directors, superintendents, managers, receivers, employés, agents, attorneys, brokers, or members of banks and other bodies corporate, public companies, municipal or quasi-municipal corporations."

This bill is a flagrant instance of careless and inaccurate legislation, and, as it relates to the criminal code, I refuse to give it my approval alone, because of its mis-recitals and inaccuracies. It is termed in its title a supplement to an act entitled "An act to consolidate, revise, and amend the penal laws of this Commonwealth," approved June 12, 1879. There is no law of that title approved June 12, 1879, or on any other day of that year. The title is, therefore, erroneous. The body of the bill proceeds to amend an act entitled "An act to consolidate, revise, and amend the penal laws of this Commonwealth," approved June 12, 1878. Here is a conflict between the title and the bill itself, the one stating the act as of the 12th of June, 1879, and the other as of the 12th of June, 1878.

Again: In each instance the title of the recited act is given as "An act to consolidate, revise, and amend the penal laws of this Commonwealth." Now the only act in existence bearing that title was approved March 31, 1860, and not in either of the years 1878 or 1879. There was an act passed June 12, 1878, upon the subject of the penal laws, and which this bill amends, but its title is as follows: "An act supplementary to an act entitled 'An act to consolidate, revise, and amend the penal laws of this Commonwealth,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty." It will thus be seen that in no single instance has the bill before me properly designated the act which it amends. It would be a travesty upon legislation to put such a loose and inaccurate act upon the statute-book relating to important crimes and inflicting serious punishment upon the citizens.

ROBT. E. PATTISON.

No. 59.

AN ACT

Relieving tenants from the payment of rent for buildings hereafter destroyed or rendered untenantable by accidental fire, wind, or storm.

SECTION 1. *Be it enacted, &c.*, That whenever any rented building or buildings in this Commonwealth shall hereafter be destroyed or rendered untenantable by accidental fire, wind, or storm, the landlord or landlords thereof shall not be entitled to any rent for the same, or for the land appurtenant thereto, during the time required to rebuild or repair such building or buildings, unless an express covenant is contained in the lease thereon imposing upon the tenant or tenants thereof a liability for the payment of rent under such circumstances: *Provided however*, That whenever any rented building or buildings hereafter destroyed or rendered untenantable by accidental fire, wind, or storm, shall constitute only part of the rented premises included within the terms of a single lease or contract then the tenant or tenants thereof shall be entitled only to an abatement in the rent equal to one per centum on the value of the building or buildings destroyed or rendered untenantable by accidental fire, wind, or storm, for each month during the time required to rebuild or repair such building or buildings, unless the rent shall be so apportioned in the lease or contract relative thereto as to indicate the proportion of rent that is payable on such building or buildings, then the abatement of rent shall be equal to the proportion of rent so designated during the time required to rebuild or repair such building or buildings, but the tenant or tenants of such building or buildings may be deprived of the right to any abatement of rent under such circumstances by an express covenant in the lease or contract relative to such building or buildings.

SECTION 2. Whenever any rented building or buildings in this Commonwealth shall hereafter be destroyed or rendered untenantable by accidental fire, wind, or storm, the landlord or landlords thereof shall have the right to reënter upon the rented premises with his, her, their, or its workmen, and tools and implements to rebuild or repair such building or buildings, and such reëntry shall not be an eviction, and if the landlord or landlords thereof shall refuse or neglect to commence to rebuild or repair such building or buildings within three months from the time the same is or are destroyed or rendered untenantable and shall refuse or neglect to prosecute the work thereon with reasonable dispatch, then the tenant or tenants thereof may at his, her, their, or its option surrender the rented premises and terminate the lease or contract relative thereto, and thereupon shall be entirely released from all further liability thereon or thereunder, unless an express covenant is contained in the lease or contract relative to such building or buildings imposing upon the tenant or tenants a duty to rebuild or repair such building or buildings.

SECTION 3. Nothing contained in this act shall affect or apply to any lease or contract in force at the time this act becomes operative.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 214, entitled "An act relieving tenants from the payment of rent for buildings hereafter destroyed or rendered untenantable by accidental fire, wind, or storm."

The first objection to this bill is that it is legislative interference with a subject that ought to be left to the parties themselves to regulate by contract, and that it disturbs the settled and ancient policy of law that the landlord does not warrant the tenantability of the premises he leases. The bill would, I fear, promote litigation. Just when a house is "untenantable," or becomes so, is a question of fact as to which a landlord and tenant would very seldom agree. Untenantability is a term of uncertain meaning. The bill also provides that when any rented building rendered untenantable shall constitute only part of the rented premises included within a single lease, the tenant shall only be entitled to an abatement in the rent, "equal to one per centum on the value of the building rendered untenantable" for each month needed to put it in repairs. Here would arise another fruitful subject of litigation. Who is to determine the value of the building or part of the building rendered untenantable? Then again, does not the language of the bill authorize a tenant of a house, one room of which is rendered untenantable, to have an abatement of one per centum of the value of the entire building? If this is so, might not the abatement amount to the whole rent, while only a very small portion of the building was injured?

Altogether, the bill, it seems to me, is unnecessary. All of its provisions may, by agreement of the parties, now be incorporated in a lease. If the bill should become a law, it is likely that hereafter leases would be drawn containing a clause waiving the benefits of the act, just as now the exemption law is waived in most leases. The bill, I do not think, would be of any real benefit to renters, and it is very certain that it would greatly increase disputes and litigation between landlords and tenants.

ROBT. E. PATTISON.

No. 60.

AN ACT

For the relief of the State Agricultural Society.

SECTION 1. *Be it enacted, &c.*, That the sum of six thousand ($6,000) dollars be and the same is hereby appropriated to the State Agricultural Society, the same being a part of the extraordinary expenses incurred in the erection of buildings for the advancement of the agricultural interests of this Commonwealth: *Provided*, That the treasurer of the State Agricultural Society shall certify to the State Treasurer that the same has been expended for the purpose mentioned, together with a written certificate of the officers of the society, duly attested, to the same effect.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 502, entitled "An act for the relief of the State Agricultural Society."

This bill appropriates six thousand dollars to the State Agricultural Society, which sum, the bill says, is "a part of the extraordinary expenses incurred in the erection of buildings for the advancement of the agricultural interests of the Commonwealth." The State Agricultural Society is a stock corporation, owned and controlled by private citizens. It has no official connection with the State Government. Its debts are private debts voluntarily contracted; its profits, if any, are personal gain—the property of its stockholders. I know of no law authorizing the State to assist such a corporation to pay its debts, and any attempt to do so is, in my judgment, in violation of section 18 of Article III of the Constitution. I, therefore, withhold my approval.

ROBT. E. PATTISON.

No. 61.

AN ACT

Repealing an act passed March twenty-seventh, one thousand seven hundred and eighty-four, entitled "An act to prevent the running of swine at large," so far as it relates to so much of the then county of Northumberland as is now embraced with the limits of Centre county.

SECTION 1. *Be it enacted, &c.*, That the act passed the twenty-seventh day of March, one thousand seven hundred and eighty-four, repealing or making void as to the counties of Bedford, Northumberland, Westmoreland, Washington, and Fayette, the provisions of the act of Assembly, passed one thousand seven hundred and five, entitled "An act to prevent the running of swine at large," and the supplement thereto, passed the tenth day of May, one thousand seven hundred and twenty-nine, be and the same is hereby repealed as to so much of the then county of Northumberland as is now embraced within the limits of Centre county.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 9, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 689, entitled "An act repealing an act passed March twenty-seventh, one thousand seven hundred and eighty-four, entitled 'An act to prevent the running of swine at large,' so far as it relates to so much of the then county of Northumberland as is now embraced with the limits of Centre county."

This bill and its title do not correspond. The title mis-recites the enactments of the bill. Moreover, the title itself is inaccurate, and refers to an act that has no existence. By the title the bill is said to repeal an act passed March 27, 1884, entitled "An act to prevent the running of swine at large."

There is no law of that title passed upon that date. The law thus entitled, to which reference is probably intended, was passed in 1705. The title is, therefore, false. The body of the bill is entirely different from the subject set out in its title, even supposing the title to be correct in its reference. The bill repeals the act of March 27, 1784, "repealing or making void as to the counties of Bedford, Northumberland, Westmoreland, Washington, and Fayette, the provisions of the act of Assembly passed one thousand seven hundred and five, entitled 'An act to prevent the running of swine at large,' and the supplement thereto, passed the tenth day of May, one thousand seven hundred and twenty-nine, so far as the same relates to so much of the then county of Northumberland as is now embraced within the limits of Centre county." This recital is not a correct statement of the title of the act of March 27, 1784, yet it is probably sufficiently descriptive not to mislead. What then does this bill do? In 1705 an act was passed entitled "An act to prevent the running of swine at large." The act related to lands within fourteen miles of the Delaware river. On the 10th of May, 1729, a supplement was passed to the foregoing act extending its provisions over the entire province of Pennsylvania. On the 27th of March, 1784, an act was passed which made null and void the act of 1705 and its supplement of 1729, as to the counties of Bedford, Northumberland, Westmoreland, Washington, and Fayette. The bill before me repeals this last repealing act, so far as it relates to so much of the then county of Northumberland as is now embraced in Centre county. That is to say, by repealing the repealing act of 1784, it revives and reënacts the acts of 1705 and 1729, as to the part of the then county of Northumberland now in Centre county. Whether or not this is what the draughtsman of the bill intended, I cannot tell. The title would seem to indicate that he had no such purpose in mind, but the title is so erroneous as to be valueless for the purpose of reaching an understanding of the bill. Aside from the objection to the title, however, the bill attempts that which is expressly forbidden. Section 7, Article III, of the Constitution, among other things, provides that no local or special laws shall be passed regulating the affairs of counties; and the General Assembly shall not "indirectly enact such special or local law by the partial repeal of a general law." This bill does enact, as to a part of a county, a local law by the partial repeal of the act of March 27, 1784. For these various reasons I decline affixing my signature to the bill.

ROBT. E. PATTISON.

No. 62.

AN ACT

To regulate hawkers and peddlers, and provide penalties for peddling without license.

SECTION 1. *Be it enacted, &c.*, That any person not being licensed who shall be found hawking, peddling, or traveling from place to place, through any part of the State, selling or exposing for sale any foreign or domestic

goods, wares, or merchandise shall be liable to a fine of fifty dollars ($50); or if any person being duly qualified by license shall refuse to show the same to any citizen of this State upon request such person so offending shall be liable to a fine of twenty dollars, to be recovered and applied as aforesaid, and the said penalties by this section provided shall be recovered before a justice of the peace as like sums are now recoverable; and in such action brought the defendant shall not be entitled to the benefit of any exemption law of this Commonwealth, and bail for stay of execution or appeal shall be bail absolute for the payment of debt, interest, and costs: *Provided, however,* That this section shall not be construed to prevent citizens of this Commonwealth from hawking and peddling goods of their own manufacture in any county of this State, nor shall any citizen of this State be required to obtain a license to sell agricultural implements, sewing-machines, musical instruments, books, pictures, paintings, or statuary.

SECTION 2. All general acts or parts of general acts inconsistent with the provisions of this act be and the same are hereby repealed.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 10, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 75, entitled "An act to regulate hawkers and peddlers, and provide penalties for peddling without lincense."

It is extremely doubtful, if this bill were to become a law, whether it would be of benefit to the masses of the people. Its effect, as it appears to me, would be to prevent them from buying where they might possibly buy cheapest. Any legislation which tends to restrict the market in which people may buy or limit the opportunities for buying is objectionable because it favors the few at the expense of the many. This bill is not a police regulation; it is not a health regulation, and yet it puts restrictions upon the power of the citizen to buy when and where he chooses, and at the lowest prices, because it lessens his opportunities for buying. It is open to the construction of preventing the purchase of goods on sample or on order, delivered to any person, and these have grown to be very common, popular, and convenient modes of purchase. It imposes penalties for selling the goods named in the bill without a license, and yet provides no mode by which every citizen who desires to sell may obtain a license.

For these reasons, I decline to approve this bill.

ROBT. E. PATTISON.

No. 63.

AN ACT

To provide for an additional law judge in the Forty-eighth judicial district.

SECTION 1. *Be it enacted, &c.,* That in the Forty-eighth judicial district, comprising the counties of McKean and Potter, there shall be for a single

term of ten years an additional law judge, who shall possess the same qualifications which are required by the Constitution and the laws for the president judge of said district, and who shall hold his office for said term and by the same tenure, and shall have the powers, authority, and jurisdiction, and shall be subject to the same duties, restrictions, and penalties, and shall receive the same compensation as the president judge of said district.

SECTION 2. Either of the judges of the said Forty-eighth judicial district shall have authority to execute all the powers and perform all the duties now conferred by the Constitution and laws upon the president judge of said district and shall have equal jurisdiction.

SECTION 3. It shall be lawful for any one of the said judges to reserve questions of law which may arise on the trial of a cause for the consideration of both of said judges sitting together, and if the said judges shall disagree on any question reserved as aforesaid the opinion of the judge before whom the cause was tried shall stand as the judgment of the court, and either party shall have a right to a bill of exceptions to the opinion of the court as if the point had been ruled and decided on the trial of the cause, and in all other matters that shall be heard before both of said judges, in case of their disagreement, the decision of the president judge shall stand as the judgment of the court.

SECTION 4. At the next general election after the passage of this act, the qualified electors of the said Forty-eighth judicial district shall elect, in the manner prescribed by law for the election of a president judge, a competent person learned in the law to serve as said additional law judge in said district; vacancies in the office hereby created, whether caused by death, resignation, or otherwise, for the unexpired term shall be filled in the same manner as is required by law in case of a similar vacancy in the office of president judge.

SECTION 5. The Governor is hereby authorized, by and with the consent of the Senate, to appoint some competent person learned in the law as additional law judge of said judicial district until the first Monday in January succeeding the next general election.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR.
HARRISBURG, *July 10, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 181, entitled "An act to provide for an additional law judge in the Forty-eighth judicial district."

This district was formed by the judicial apportionment bill of 1883. It is composed of the counties of McKean and Potter. According to the census of 1880, the population of McKean was forty two thousand five hundred and sixty-five, and that of Potter thirteen thousand seven hundred and ninety-seven, making fifty-six thousand three hundred and sixty-two, in all. The Legislature, in 1883, thought that one judge was sufficient to administer justice in these two counties, and only one was allowed them. This bill provides an additional law judge for this district. There has not been such a marked increase of the population of the district since it was formed as would make an additional judge an urgent necessity.

Even taking into account the increase claimed for Potter county since the census was taken, the aggregate population of the two counties barely exceeds the number which the Legislature has recently indicated as the proper one to entitle a county to *one* judge. The Constitution now makes that number forty thousand; the proposed amendment makes it sixty thousand. Whilst this amendment relates exclusively to the right of counties containing sixty thousand population to have a judge separate and apart from other counties, still the designation of that number gives an insight into the legislative mind as to the number of population that should be embraced in judicial districts, no matter how formed. This action indicates that the trend of popular thought is towards a decrease instead of an increase of the number of judges, and I am not disposed to quarrel with those who think so.

That there are special inconveniences in this particular district, owing to the fact that the judge lives in the county seat of the smaller county and that the facilities for getting from one county seat to the other are not easy, I fully recognize. It is the misfortune of the people of the larger county that the judge does not reside there, but the same state of facts exists in other districts. The argument as to inconveniences in the matter of traveling from one county to the other applies equally to one other district at least, and perhaps to more. I am well aware that the view which I entertain against the increase of judges ought not to prescribe for myself an unbending rule. There might be circumstances arising from an extraordinary increase of population or business, or both, which would justify such an increase, but I am not convinced that the facts presented in this case call imperatively for another judge. I, therefore, withhold my signature from the bill.

ROBT. E. PATTISON.

No. 64.

AN ACT

For the relief of John Maxwell, late colonel of the Sixth regiment of the National Guard of Pennsylvania.

WHEREAS, John Maxwell, of Philadelphia, late colonel commanding the Sixth regiment of the National Guard of the State, expended a large sum in the organization and equipment of that regiment;

And whereas, In the re-organization or consolidation of the military force of the State it became necessary to disband the said Sixth regiment, and it was disbanded and mustered out of service on the twenty-eighth day of August, one thousand eight hundred and seventy-eight, a few days before the time fixed by law for the fall inspection of the National Guard of the State, upon which inspection each of the ten (10) companies of the said regiment would have received from the State seven hundred dollars, the amount allotted to each for pay and armory rent, and which amount each of the said companies had duly and properly assigned to the said John Maxwell, colonel of the said regiment, to partially re-imburse him for moneys he had advanced for their equipment and maintenance, but which pay and armory rent the said companies never received from the State, and have therefore been unable to repay the said Colonel John Maxwell the amounts

which they owed him and which he had advanced for the benefit of the regiment; therefore,

SECTION 1. *Be it enacted, &c.*, That the sum of seven thousand dollars be and the same is hereby appropriated to John Maxwell, late colonel of the Sixth regiment, National Guard of Pennsylvania, towards re-imbursing him for the amount expended in the organization, equipment, and maintenance of said regiment.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 10, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 304, entitled "An act for the relief of John Maxwell, late colonel of the Sixth regiment of the National Guard of Pennsylvania."

This bill appropriates seven thousand dollars to John Maxwell, late colonel of the Sixth regiment, National Guard of Pennsylvania. The allegations in the preamble are that he expended a large sum of money in the organization and equipment of that regiment. That it became necessary to disband the regiment; that it was disbanded and mustered out of service on the 28th day of August, A. D. 1878; that this occurred a few days before the time fixed by law for the inspection of the National Guard of the State, when each of the ten companies of the regiment would have received from the State seven hundred dollars; that each of the said companies had assigned this amount to Maxwell to re-imburse him for the money expended by him; that these companies never received these moneys from the State, and were, therefore, unable to repay Maxwell the amount which he had advanced to the regiment, and the State Treasurer is, therefore, directed to pay him the sum named in the bill.

I am again compelled to take note of the fact that no method of auditing the account of Maxwell is contained in the bill. It dispenses entirely with the services of the Auditor General. No vouchers for payments or expenditures made are exhibited. The sum of money expended is not mentioned. The only information on this point given is that Maxwell "expended a large sum of money in the organization and equipment of that regiment." Whether the sum was more or less than seven thousand dollars does not appear. The amounts that the several companies were to receive were assigned to him, but whether absolutely or as collateral security for the payment of the sums owing by them does not appear. The recital of the assignment makes no disclosure as to the amount expended. Certainly this is the kind of a case which should undergo the examination and scrutiny of the Auditor General. But the State was not in any way, or is it, under any circumstances, ever bound for moneys that a company or its officers may agree to pay. They could not enter into any contract which would be obligatory upon it. Besides, they were not entitled to the moneys if disbanded before the time fixed by law for their inspection. This officer, therefore, made these expenditures at his own risk as to whether or not these companies would be entitled to this money, and also as to receiving payment out of any moneys they might receive.

It appears, however, from information derived from the Adjutant General's Department, that two of these companies were disbanded long after the date fixed in the preamble to this bill. That date is recited as August 28, 1878. Company "H" was disbanded August 7, 1879, and company "C," April 27, 1880. Each of these two companies received, seven hundred dollars for the year 1878, and company "C" received for the year 1879, seven hundred dollars, less the amount of material furnished for uniforms. The State has once paid the sums named for the two companies, and there is no reason apparent to me why they should be paid the second time to Maxwell. For these reasons, I decline to approve this bill.

ROBT. E. PATTISON.

No. 65.

AN ACT

To provide for the selection of sites and the erection of State hospitals thereon for injured persons, to be located within the bituminous and semi-bituminous coal regions of this Commonwealth, to be called the State Hospitals for Injured Persons within the Bituminous and Semi-bituminous Coal Regions of Pennsylvania, and for the management of the same, and making appropriations therefor.

SECTION 1. *Be it enacted, &c.*, That the Governor and Auditor General shall, as soon as practicable after the passage of this act, appoint six commissioners, one of said commissioners to be appointed from each of the six existing inspection districts of the bituminous and semi-bituminous coal regions of the State, whose duty it shall be to select sites and erect hospitals thereon for injured persons, to be located at some points within the bituminous and semi bituminous coal regions of the State, comprising the counties of Allegheny, Bedford, Fayette, Greene, Somerset, Washington, Armstrong, Beaver, Butler, Indiana, Westmoreland, Cameron, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren, Blair, Bradford, Cambria, Centre, Sullivan, Clinton, Huntingdon, Potter, Lycoming, and Tioga, who shall serve without compensation, other than their necessary traveling expenses incurred while in discharge of the duties herein prescribed and set forth.

SECTION 2. Said commissioners shall, within four months after the date of their appointment, select tracts of land of suitable area and character for the purpose named in section first, within the said described region.

SECTION 3. Said tracts of land so selected shall be approved by the Governor and Auditor General in writing, and the deed for the same shall be taken in the name of the Commonwealth in fee for any land donated for the purpose aforesaid.

SECTION 4. The said commissioners shall adopt such plans for said hospitals as shall involve expenditures, exclusive of the land, of not over sixty thousand dollars, or twenty thousand each when completed: *Provided*, That the plans of the buildings shall be approved by the Board of Public Charities: *Provided further*, That the land, before provided for, shall be donated.

SECTION 5. The said commissioners shall have power to fix the salary of the superintendents of construction, and of such other persons as they may think necessary to employ, in order to secure the proper and economical

construction of the buildings: *Provided*, That the total expense of said buildings shall not exceed sixty thousand dollars.

SECTION 6. To enable the commissioners to make necessary preparations for the erection and completion of the buildings herein provided for, the sum of thirty thousand dollars is hereby appropriated annually for the years one thousand eight hundred and eighty-five and one thousand eight hundred and eighty-six, to be drawn from the State treasury as may be required in the erection of buildings hereinbefore described, on warrants signed by the chairman of the commission and countersigned by the president or general agent of the Board of Public Charities.

SECTION 7. Said commissioners shall proceed to erect said buildings and complete the same at as early a period as possible compatible with the economical, substantial, and skillful execution of the work, and shall make report to the Board of Public Charities of the amount of money expended by them and of the progress made in the erection of the buildings semi-anually at least, and oftener if so required by said Board.

SECTION 8. The said commissioners upon the completion of said hospital shall surrender their trust to boards of managers, to consist of nine members for each hospital, to be appointed by the Governor and Auditor General from the counties named in the first section of this act. Said managers or trustees shall be a body politic or corporate, by the name and style of the Trustees of the Cottage State Hospitals for Injured Persons of the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, for which they are appointed. They shall serve without compensation other than necessary traveling expenses incurred in the discharge of the duties pertaining to the above-named institutions, and such expen es shall be paid out of moneys in State treasury not otherwise appropriated, and shall manage and direct the concerns of the said institutions and make all necessary by-laws and regulations not inconsistent with the Constitution and laws of the Commonwealth.

SECTION 9. That these hospitals shall be specially devoted to the reception, care, and treatment of injured persons, and that in the order of admission this class shall have precedence over paying patients.

SECTION 10. That the Governor, judges of the several courts of record of this Commonwealth, inspectors of mines for the region, and members of the Legislature shall be *ex-officio* visitors of the institution.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 10, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 500, entitled "An act to provide for the selection of sites and the erection of State hospitals thereon for injured persons, to be located within the bituminous and semi-bituminous coal regions of this Commonwealth, to be called the State Hospitals for Injured Persons within the Bituminous and Semi-Bituminous Coal Regions of Pennsylvania, and for the management of the same, and making appropriations therefor."

This bill is intended to organize a new charitable enterprise to be sup-

ported by the State. For the purpose of beginning the enterprise the bill appropriates sixty thousand dollars. It is unnecessary for me to discuss the merits of this measure, or inquire whether the establishment of the hospitals contemplated is needful or desirable. I am willing to admit that it would be a very beneficial charity. All such schemes, if properly conducted, are beneficial and do a certain amount of good; and I suppose it is proper to say that the multiplication of charitable institutions is honorable to a community, and is an addition to the means of alleviating human misery. There is a limit, however, to the extent to which the State can go in donating its money for such purposes, and that limit has been reached in this Commonwealth. The State Treasurer, (as I have shown in the paper filed in the Secretary's office in disapproving certain appropriation bills, July 8, 1885,) will not have the money in the treasury to pay all the charitable appropriations made by the Legislature. He certifies that if all the appropriation bills passed should become laws, there will occur a deficit in the treasury. Some of them, therefore, must be denied enactment; and it seems to me it is bad policy to vote money to begin new charitable enterprises when we have not the means to maintain those already established. For these reasons, and because this bill is for the creation of a new hospital organization, for which the State does not possess the money to use for that purpose, I decline to give it my approval.

ROBT. E. PATTISON.

THE FOLLOWING BILLS ARE INCLUDED IN ONE VETO MESSAGE.

No. 66.

AN ACT

Making an appropriation to the Wilkes-Barre City Hospital.

SECTION 1. *Be it enacted, &c.*, That the sum of twenty thousand dollars be and the same is hereby specifically appropriated to the Wilkes-Barre City Hospital of the city of Wilkes-Barre, for the purpose of improving the premises and supporting and maintaining the same. The said appropriation to be paid on the warrant of the Auditor General, on a settlement made by him and the State Treasurer, but no warrant shall be drawn on settlement made until the directors or managers of said institution shall have made, under oath to the Auditor General, a report containing an itemized statement of the expenses of said institution during the previous quarter, and the same is approved by him and the State Treasurer, nor until the treasurer shall have sufficient money in the treasury not otherwise appropriated to pay the quarterly installment due said institution.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

No. 67.

AN ACT

Making an appropriation for the purpose of assisting in the establishment of the Corry City Hospital, in the city of Corry, Erie county, Pennsylvania.

SECTION 1. *Be it enacted, &c.*, That the sum of five thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid to the trustees of the hospital hereinafter named, for the purpose of assisting in the establishment of a hospital, to be known as "The Corry City Hospital," and located at Corry, Erie county, Pennsylvania, which hospital is to be established for the purpose of securing to injured railroad employés and other injured persons, as well as to the destitute and helpless sick people, suitable care and treatment during their suffering and dependent condition. No part of this appropriation shall be payable to said institution until the same is properly organized, and until there is either paid into the treasury an amount of money equal to the amount hereby appropriated, or until said institution shall become the owner in fee simple of real estate to be used for hospital purposes which shall at least equal in cash value the amount of the appropriation provided for herein.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

No. 68.

AN ACT

Making an appropriation toward the erection and furnishing of a hospital in the borough of Johnstown.

SECTION 1. *Be it enacted, &c.*, That the sum of fifteen thousand dollars be and the same is hereby appropriated out of any moneys in the State treasury not otherwise appropriated toward the erection and furnishing of a suitable building in the borough of Johnstown for the purpose of a general hospital, and to be open to all classes without distinction of color or creed, and that no case of sickness or injury shall be refused admis ion on account of the inability of the applicant to pay expenses, so long as there may be accommodation in said hospital not reserved to subscribers to its funds under the regulations of its charter and such rules in accordance therewith as its directors or managers may adopt: *Provided*, That before any of the above sum shall be paid by the State Treasurer the president of the board of trustees of the said hospital shall certify to the State Treasurer, on oath, that suitable grounds have been secured, by deed of the same, for said building, and that the further sum of fifteen thousand dollars has been subscribed and paid toward the erection and furnishing and maintenance of the said hospital: *Provided further*, That the said hospital shall be erected and furnished within two years after the passage of this act.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

No. 69.

AN ACT

Making an appropriation to the Philadelphia Lying-in Charity and Nurse School.

SECTION 1. *Be it enacted, &c.*, That the sum of five thousand dollars be and the same is hereby appropriated to the Philadelphia Lying-in Charity and Nurse School, the same to be paid out of any moneys in the State Treasury not otherwise appropriated.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

AMOS H. MYLIN,
President pro tem. of the Senate.

No. 70.

AN ACT

Making an appropriation to the Harrisburg Hospital.

SECTION 1. *Be it enacted, &c.*, That the sum of five thousand dollars be and the same is hereby appropriated to the Harrisburg Hospital, and the State Treasurer is hereby authorized to pay in quarterly payments to the said hospital one half of the sum hereby appropriated out of any money in the State treasury not otherwise appropriated in the year commencing on the first day of June, one thousand eight hundred and eighty-five, and the balance during the year commencing on the first day of June, one thousand eight hundred and eighty-six: *Provided*, That the directors or managers of said institution shall make under oath a quarterly report to the Auditor General of the Commonwealth containing an itemized statement of the expenses of the institution during the previous quarter, and unless such itemized report is made and approved by both the Auditor General and State Treasurer, the State Treasurer is hereby directed not to pay any more money to said institution until such report is made and approved as aforesaid: *And provided further*, That no warrant shall be issued for the payment of said sums as aforesaid until the State Treasurer shall have certified to the Governor that a sufficient amount of money is in the State treasury not otherwise appropriated to pay the same, nor until the Auditor General and State Treasurer shall have certified that all the requirements of the law have been complied with.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

No. 71.

AN ACT

Making an appropriation to the Pennsylvania Oral School for Deaf Mutes.

SECTION 1. *Be it enacted, &c.*, That the following sums be and the same are hereby specifically appropriated and made payable in quarterly payments commencing June first, one thousand eight hundred and eighty-five, to the Pennsylvania Oral School for Deaf Mutes:

For the erection and furnishing a suitable building at the city of Scranton,

to be used by said Pennsylvania Oral School for Deaf Mutes, the sum of twenty-five thousand dollars.

For the maintenance and education of forty State pupils for the year commencing June first, one thousand eight hundred and eighty-five, the sum of ten thousand four hundred dollars.

For the maintenance and education of forty State pupils for the year commencing June first, one thousand eight hundred and eighty-six, the sum of ten thousand four hundred dollars.

The foregoing appropriations are to be paid out of any moneys in the State treasury not otherwise appropriated: *Provided*, That the superintendent or managers shall, for two successive weeks in each year, commencing on the first Monday of April, advertise in three newspapers of general circulation for bids to furnish all needed supplies for the year beginning June first next ensuing. All persons desiring to bid shall be furnished promptly, on application, with a list itemized of the kind and probable amount of supplies required. The managers shall award the contract for such supplies to the lowest and best bidder, taking such security for the faithful performance of the contract as they may deem necessary: *And provided, further*, That no warrant shall be issued for the payment of said sums as aforesaid until the State Treasurer shall have certified to the Governor that a sufficient amount of money is in the State treasury not otherwise appropriated to pay the same, nor until the Auditor General and State Treasurer shall have certified that all the requirements of the law have been complied with.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

No. 72.

AN ACT

Making an appropriation to the Home for Friendless Children for the borough of Wilkes-Barre and county of Luzerne.

SECTION 1. *Be it enacted, &c.*, That the sum of two thousand dollars be and the same is hereby appropriated to the Home for Friendless Children for the borough of Wilkes-Barre and the county of Luzerne, for repair of the buildings and the maintenance of the said home, to be paid to the treasurer of the same, on the warrant of the president and secretary, out of any money in the treasury not otherwise appropriated.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

No. 73.

AN ACT

Making an appropriation for the Home for the Friendless at Harrisburg.

SECTION 1. *Be it enacted, &c.*, That the sum of twenty-five hundred dollars be and the same is hereby appropriated towards the expense of main-

taining the inmates of the Home of the Friendless of Harrisburg for the year one thousand eight hundred and eighty-five, and a like sum for the year one thousand eight hundred and eighty-six. The said appropriations to be paid on the warrant of the Auditor General on a settlement made by him and the State Treasurer, but no warrant shall be drawn on settlement made until the directors or managers of said institution shall have made under oath to the Auditor General a report containing an itemized statement of the expenses of said institution during the previous quarter and the same is approved by him and the State Treasurer, nor until the treasurer shall have sufficient money in the treasury not otherwise appropriated to pay the quarterly installment due said institution.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

No. 74.

AN ACT

To make an appropriation to the Williamsport Hospital.

SECTION 1. *Be it enacted, &c.*, That the sum of ten thousand dollars is hereby specifically appropriated to the Williamsport Hospital, of the city of Williamsport, for the support, maintenance, and extension of the building of the same, for the years eighteen hundred and eighty-five and eighteen hundred and eighty-six, and also for the purpose of purchasing real estate necessary for the use of the said hospital. And the State Treasurer is hereby authorized to pay said sums in quarterly payments, commencing June first, Anno Domini one thousand eight hundred and eighty-five, out of moneys in the treasury unappropriated: *Provided*, That the said quarterly payments shall not be made by the State Treasurer except to such amount as may be voluntarily contributed and paid into the treasury of said hospital by the citizens of Williamsport or vicinity before such quarterly payment: *And provided*, That no warrant shall be issued for any part of said appropriation of ten thousand dollars until the State Treasurer shall have certified to the Governor of the Commonwealth that a sufficient amount of money is in the State treasury not otherwise appropriated to pay the same: *And provided further*, That no discrimination in the admission of patients to said hospital shall be made in respect to color, nationality, or religion.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

No. 75.

AN ACT

Making an appropriation for the support of the No-th Side Hospital of Allegheny City.

SECTION 1. *Be it enacted, &c.*, That the following sums be and are hereby appropriated to the North Side Hospital for the indigent sick and wounded, to be paid out of any money in the treasury not otherwise appropriated,

namely: For the year commencing on the first day of June, one thousand eight hundred and eighty-five, five thousand dollars, and for the year commencing the first day of June, one thousand eight hundred and eighty-six, five thousand dollars, to be paid in the usual manner to the treasurer of the said institution upon his receipt thereof to the State Treasurer: *Provided*, That the managers of said institution shall make under oath a quarterly report to the Auditor General of the Commonwealth an itemized statement of the expenses of the institution during the previous quarter.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

No. 76.

AN ACT

Making an appropriation for the Mercy Hospital of Pittsburgh.

SECTION 1. *Be it enacted, &c.*, That the sum of fifteen thousand dollars be and the same is hereby appropriated to the Mercy Hospital of Pittsburgh for the completion and furnishment of their new buildings; the said appropriations to be paid on the warrant of the Auditor General on a settlement made by him and the State Treasurer, but no warrant shall be drawn on settlement made until the directors or managers of said institution shall have made under oath to the Auditor General a report containing an itemized statement of the expenses of said institution during the previous quarter and the same is approved by him and the State Treasurer, nor until the treasurer shall have sufficient money in the treasury not otherwise appropriated to pay the quarterly installment due said institution.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

No. 77.

AN ACT

To appropriate certain moneys to the hospital department of the Hahnemann Medical College and Hospital, of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That the sum of fifty thousand dollars be and the same is hereby specifically appropriated to and for the hospital department of the Hahnemann Medical College and Hospital, of Philadelphia, for the years commencing on the first day of June, Anno Domini one thousand eight hundred and eighty-five, and on the first day of June, Anno Domini one thousand eight hundred and eighty-six, to be paid out of any moneys in the treasury not otherwise appropriated, and to be used for and towards the erection and equipment of a hospital for medical and surgical treatment of sick and maimed persons of this Commonwealth: *Provided, however*, That the said sum shall only be drawn by the trustees of said college and hospital from time to time as the work progresses, and not more than one fourth part thereof shall be paid in any term of three months, and

that the treasurer of the said college and hospital shall at the end of each year, until the whole sum is disbursed, file a statement with the State Treasurer showing how and for what purpose the said moneys herein appropriated have been paid out.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

No. 78.

AN ACT

Making an appropriation to the Home for Aged and Infirm Colored Persons.

SECTION 1. *Be it enacted, &c.*, That the sum of five hundred dollars ($500) be and is hereby appropriated to the Home for Aged and Infirm Colored Persons of Philadelphia for each year, commencing June the first, one thousand eight hundred and eighty-five, and June the first, one thousand eight hundred and eighty-six, towards the maintenance and support of aged and infirm colored persons and the further improvement of the home.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

No. 79.

AN ACT

To appropriate the sum of five thousand dollars to the Penn Asylum for Widows and Indigent Single Women.

SECTION 1. *Be it enacted, &c.*, That the sum of five thousand dollars ($5,000) is hereby appropriated to the Penn Asylum for Indigent Widows and Single Women, situate on Belgrade street, above Otis, Eighteenth ward, in the city of Philadelphia, the same to be paid out of any moneys remaining in the treasury not otherwise appropriated.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
CHAUNCEY F. BLACK,
President of the Senate.

[*The foregoing bills, Nos. 66 to 79, inclusive, were embraced under the one following veto.*]

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 10, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, House bill No. 274, entitled "An act making an appropriation to the Wilkes-Barre City Hospital."

House bill No. 312, entitled "An act making an appropriation for the

purpose of assisting in the establishment of the Corry City Hospital in the city of Corry, Erie county, Pennsylvania."

House bill No. 317, entitled "An act making an appropriation toward the erection and furnishing of a hospital in the borough of Johnstown."

House bill No. 348, entitled "An act making an appropriation to the Philadelphia Lying-in Charity and Nurse School."

House bill No. 396, entitled "An act making an appropriation to the Harrisburg Hospital."

House bill No. 435, entitled "An act making an appropriation to the Pennsylvania Oral School for Deaf Mutes."

House bill No. 455, entitled "An act making an appropriation to the Home for Friendless Children for the borough of Wilkes-Barre and county of Luzerne."

House bill No. 456, entitled "An act making an appropriation to the Home for the Friendless, at Harrisburg."

House bill No. 526, entitled "An act to make an appropriation to the Williamsport Hospital."

House bill No. 537, entitled "An act making an appropriation for the support of the North Side Hospital, of Allegheny City."

House bill No. 539, entitled "An act making an appropriation for the Mercy Hospital, of Pittsburgh."

House bill No. 540, entitled "An act to appropriate certain moneys to the hospital department of the Hahnemann Medical College and Hospital of Philadelphia."

House bill No. 629, entitled "An act making an appropriation to the Home for Aged and Infirm Colored Persons."

House bill No. 630, entitled "An act to appropriate the sum of five thousand dollars to the Penn Asylum for Widows and Indigent Single Women."

These fourteen bills appropriate altogether one hundred and ninety-three thousand eight hundred dollars for the several purposes and to the respective institutions set forth in the titles. The fourteen institutions to which the money is appropriated are charitable institutions not under the absolute control of the Commonwealth. The authority for making these appropriations is contained in section 17 of Article III of the Constitution, which is in these words: "No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two thirds of all the members elected to each House." This section, by thus requiring a two-thirds vote for such appropriations, makes an exceptional limitation upon such enactments, and was obviously intended as a guard upon the treasury against what was recognized as a tendency to extravagance and unwarranted liberality in donations of public money to private charities. That this exceptional precaution in the fundamental law was not unnecessary will be apparent when we consider the large amount of money appropriated for such purposes, even with this limitation in existence. In this connection, a statement of the entire amount of appropriations for charitable purposes of all kinds made by the last Legislature will serve to give a better idea of the facts which have induced me to disapprove of the fourteen bills enumerated.

The total amount appropriated for charitable purposes, excluding penitentiaries and all educational institutions, is three million two hundred and eighty-four thousand and fifty-one dollars and twenty-one cents. Of this amount nine hundred and seventy-seven thousand eight hundred dollars

is for institutions not under State control, they being local and unofficial charitable enterprises. These figures are of themselves sufficient to indicate that the action of the Legislature has been very liberal and that a careful investigation of the merits of these appropriations is a duty incumbent upon the Executive. In pursuing such investigation, the first step taken was to inquire of the State Treasurer as to the probable ability of the treasury to meet these appropriations and the other demands that would be made upon it for the conduct of the Government. In reply to this inquiry the Treasurer furnished me with a detailed statement of the probable receipts of the State for the next two fiscal years, and the expenditures for the like period, that being the time covered by these appropriation bills. He estimates the receipts during that time at nine million eight hundred thousand dollars, and the expenditures, should all the appropriation bills passed be approved, at nine million nine hundred and eighty-five thousand six hundred and twenty-four dollars and thirty-five cents, which would leave a deficit of one hundred and eighty-five thousand six hundred and twenty-four dollars and thirty-five cents. With this official information thus communicated, I feel it to be my duty, by a careful scrutiny of the appropriations, to prevent, if possible, so unfortunate a condition of affairs arising as an empty treasury and warrants lawfully drawn upon it remaining unpaid. It would be a dereliction of duty for me not to make an effort to save the State from such a misfortune.

In considering the subject, this obviously just principle forced itself upon me: that the first obligation of the State was to her own charitable institutions established by her laws and controlled by her own officials. The duty to maintain these charities is urgent and binding, and they ought first to be supplied with the money needed for their maintenance before private organizations are given aid. I, therefore, have signed all the bills making appropriations to the State's own charitable institutions. This left upwards of forty other bills making appropriations to institutions not under the control of the State. Which of these ought to be signed and which disapproved, which were the most worthy and deserving, and which presented the least meritorious claims; which could be disallowed with occasioning the smallest inconvenience and distress were considerations that gave me great anxiety and much serious thought, and as to which I found myself without the information needed to enable me to reach a satisfactory conclusion. There was no recourse left, therefore, but to rigidly enforce the law laid down by the Legislature for the government of this subject, and which placed the regulation of the matter in the charge of the Board of Public Charities.

The act of Assembly of April 24, 1869, provides that all charitable, reformatory, and correctional institutions "now receiving or that may hereafter desire to receive State aid shall annually give notice to the said general agent of the Board of Public Charities on or before the first Monday in November in each year of the amount of any application for State aid they may propose to make, and of the several purposes to which such aid, if granted, is to be applied. Whenever any institution shall thus give notice of asking for State aid, the general agent shall inquire carefully into the ground of such request, the purpose or purposes for which the aid is asked, the amount which will be required, and into any matters connected therewith; and in the annual report the result of such inquiries shall be given, together with the opinions and conclusions of the Board thereon."

This is a wise provision, intended to impose upon the Board of Public Charities the duty of inquiring into and making report upon the subject

of the desirability and wisdom of all such charitable appropriations for the guidance and aid of the Legislature and Executive in passing upon such legislation. The act lodges the duty and responsibility where it properly belongs, and the body which it is to be presumed is most conversant with the subject, and the best able to reach wise and satisfactory conclusions. Neither the individual members of the Legislature nor the Executive have the time or facilities for inquiring into the merits of each application for State aid presented. The act of 1869 also very properly places a duty upon the institutions themselves that intend to make applications for aid. It requires them to submit their applications and the facts in relation thereto before a certain time each year to the general agent of the Board of Charities, to be inquired into by him, and reported upon by the Board in its annual report to the Legislature and Governor. It is not an unreasonable duty to impose upon private charitable institutions intending to ask the State to donate her funds to them for their aid and maintenance to require that they shall first submit their application to the proper State official charged by law with the supervision of her charitable work. But whatever may be said of the wisdom of such a provision, it is the law, and it becomes those charged with the execution of the law to observe and enforce it.

Of the fourteen bills which are hereby disapproved, none of them received the recommendation and approval of the Board of Public Charities in its annual report. Eight of them, to wit: those numbered 312, 317, 348, 396, 455, 456, 629, and 630, make appropriations to institutions that did not present their applications at all to the Board of Charities, and thus totally ignored the law of the State whose bounty they ask. One, to wit: No. 539, relates to an institution that did not present its application at the time prescribed by law, and that was not, therefore, reported upon by the Board in its annual report. Four of them, Nos. 435, 536, 537, and 540, apply to institutions whose applications were presented and which the Board, in its annual report, either refused to recommend or expressly disapprove. One, No. 274, appropriates twenty thousand dollars to an institution which presented an application for that sum to the Board, and to which the Board, in its annual report, recommends that only ten thousand dollars be appropriated. This bill, however, in face of the recommendation of the Board, appropriates to the institution the entire amount of twenty thousand, in a lumped sum, without separating it into items. As I am thus prevented from separately disapproving the ten thousand dollars in excess of the Board's recommendation, I am obliged, in order to follow the rule I have adopted, to disapprove of the entire bill.

I am constrained to withhold my signature from all these bills by a strong conviction of duty. The State, as I have shown by the Treasurer's statement, would not have the money to pay them all should all become laws. It is my duty to refuse my assent to bills which spend more money than the State will have to spend. The institutions themselves have either not obeyed the law by presenting their applications to the Board as required, or their applications have received the disapproval of that Board. For this reason, they ought not to receive the aid they have asked for and which the bills give them. Influenced, therefore, by these considerations, I decline to approve the bills. Following the line of duty above marked out, I have also, in approving certain other bills of a similar character, disapproved of particular items contained in them in excess of the sums recommended by the Board of Charities, or which that Board specifically refused to recommend.

It is but right to say that these institutions were fully advised of the purpose of the Executive to adopt the line of action he has in this matter by the paper filed disapproving certain charitable appropriations July 5, 1883, and to which I refer for further reasons on this subject. I then announced the purpose to enforce in the future the provisions of the law requiring all applications to be first submitted to and approved by the Board of Charities. The institutions that, with this law and the timely notice of the purpose to enforce it before them, refused to follow its requirements cannot now complain of hardship.

ROBT. E. PATTISON.

THE FOLLOWING BILLS ARE INCLUDED IN ONE VETO MESSAGE.

No. 80.

A FURTHER SUPPLEMENT

To an act entitled "An act dividing the cities of this State into three classes," et cetera, approved May twenty-third, one thousand eight hundred and seventy-four, providing for the assessment and collection of city and school taxes.

SECTION 1. *Be it enacted, &c.*, That at the first municipal election after the passage of this act in every city of the third class incorporated under the act to which this act is a supplement, or which shall accept the same by ordinance, there shall be elected in each third class city three assessors, who shall constitute a board of assessors, and whose duty it shall be to assess property for city and school purposes in the manner now prescribed by law. A majority of such board shall be necessary to constitute a quorum. Their compensation shall be five hundred dollars each per annum, and their term of office shall commence on the first Monday of April succeeding their election.

SECTION 2. At the first election for such board of assessors, each voter shall vote for but two candidates, and the three having the highest number of votes shall be elected, one for three years, one for two years, and one for one year, the length of term of each member being determined by lot. After the first election, there shall be one member of the board elected annually, and such member shall hold his office for the term of three years. Any casual vacancy happening more than thirty days before the annual municipal election shall be filled by appointment by the court of common pleas of the proper county. Such appointment shall hold till the next municipal election, at which time a person shall be elected to fill out the unexpired term. The powers of ward assessors for purpose of city assessment shall cease on the first Monday of April succeeding the election of the board of assessors herein provided for.

SECTION 3. In lieu of the collectors authorized by law to be appointed by the city treasurer, the said treasurer shall have the same power and authority that is now by law conferred upon tax collectors. He shall immediately upon receiving the duplicates of said taxes give thirty days' public notice thereof by advertisement in two daily and two weekly newspapers in said city, stating the law in relation thereto and where and during what hours he may be found. On the first day of October of each year, he

shall give two weeks' public notice as aforesaid to all delinquents, and if at the expiration thereof the same shall remain unpaid, he shall forthwith issue a warrant of distress, directed to a constable of said city, who shall be under like obligations and penalties as he is upon process from an alderman, and shall proceed to distrain the goods and chattels of the said delinquent according to law, for which service the constable shall receive a fee of fifty cents, to be taxed on the writ and collected from the delinquent.

SECTION 4. All city, school, special, or other taxes, levies, and assessments on real estate, which under existing laws are now required to be returned by the city treasurer to the city solicitor, shall hereafter be returned by said city treasurer to the county commissioners of the proper county, who shall register said taxes and certify them to the county treasurer, to be sold as other seated lands are now sold for county taxes and subject to the same penalty and right of redemption: *Provided*, That when property purchased by the commissioners for taxes mentioned in this act shall be sold at commissioners' sale the proceeds of such sale, less legal costs and charges, shall be paid on the warrant of the county commissioners to the city treasurer: *And provided further*, That all legal costs and expenses attending the return, advertising, and sale of property under this act that may be paid by the county shall be refunded by the city.

SECTION 5. The county commissioners are hereby authorized and required to pay over to the proper authorities all taxes received by the county treasurer or realized by the county under this act at the time and in the manner now provided by law for other taxes on seated lands.

SECTION 6. Nothing herein contained shall be construed to affect in any way the lien of said taxes on real estate under existing laws.

SECTION 7. All laws or parts of laws inconsistent herewith are hereby repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

No. 81.

AN ACT

Relating to the duties of the city treasurer in cities of the third class.

SECTION 1. *Be it enacted, &c.*, That in all cites of the third class within this Commonwealth the city treasurer, in addition to the duties now enjoined upon him by law, shall hereafter collect the State, county, and poor taxes levied upon persons and property within said city, and the county commissioners and directors of the poor-district are hereby authorized and required to issue to him the duplicates of said taxes for that purpose on or before the first day of July in each year. And in the collection of said taxes, the city treasurer shall have the same power and authority that is now by law conferred upon tax collectors. The city treasurer, immediately upon receiving the duplicates of county and poor taxes, shall give thirty days' public notice thereof by advertisement in two daily and two weekly newspapers in said city, stating the law in relation thereto and where and during what hours he may be found. On the first day of October of each year, he shall give two weeks' public notice as aforesaid to all delinquents, and if at the expiration thereof the same shall remain unpaid, he shall forthwith issue a warrant of distress, directed to a constable of said city, who shall be under

like obligation and penalties as he is upon process from an alderman, and shall proceed to distrain the goods and chattels of the said delinquent according to law, for which service the constable shall receive a fee of fifty cents, to be taxed on the writ and collected from the delinquent.

SECTION 2. It shall be the duty of the city treasurer to pay over as often as once in two weeks to the county treasurer and treasurer of the poor-district respectively all moneys collected on said duplicates, and on the first day of January of each year he shall settle his duplicates with the county and poor-district respectively by paying over the amount of said duplicates, less commissions, exonerations, and delinquent taxes on real estate which may remain unpaid; which said delinquent tax on real estate shall be certified to the county commissioners and poor-district respectively.

SECTION 3. The city treasurer shall enter into separate bonds, with sureties approved by the court of common pleas of the proper county, in the sum of fifty thousand dollars ($50,000) to the county, and in the sum of twenty thousand dollars ($20,000) to the poor-district, conditioned on the proper accounting for all moneys received on account of said county and poor-district, and for the faithful performance of the duties enjoined upon him by this act.

SECTION 4. As compensation for the duties herein enjoined, the city treasurer shall receive two per centum of the amount of State and county taxes paid by him to the county treasurer, and two per centum of poor taxes paid over by him to the poor-district.

SECTION 5. The provisions of this act shall apply only to such cities of the third class as shall by ordinance regularly passed by two thirds of the members elected to each branch of the councils thereof voting therefor and approved by the mayor accepting the same.

SECTION 6. All laws or parts of laws inconsistent herewith are hereby repealed.

CHAUNCEY F. BLACK,
President of the Senate.
JAMES L. GRAHAM,
Speaker of the House of Representatives.

No. 82.

AN ACT

For the government and regulation of county jails or prisons.

SECTION 1. *Be it enacted, &c.*, That the several county jails or prisons now or hereafter to be erected in the several counties of this Commonwealth in accordance with the provisions of the act of Assembly of April 8, 1851, shall be governed and managed by a board of seven inspectors, composed of citizens and taxpayers of the respective counties, to be appointed as hereinafter provided, who shall serve without compensation, a majority of whom shall constitute a quorum for the transaction of business. At the first session of the court of quarter sessions of said counties held after the passage of this act, the said court shall appoint four reputable citizens and taxpayers of said county inspectors of said prison, one to serve until the first day of April, one thousand eight hundred and eighty-six, one to serve until the first day of April, one thousand eight hundred and eighty-seven, one to serve until the first day of April, one thousand eight hundred and eighty-eight, and one to serve until the first day of April, one thousand eight hundred and eighty-nine, and within thirty days after the

passage of this act the board of commissioners of each county shall appoint three reputable citizens and taxpayers of said county as inspectors, one to serve until the first day of April, one thousand eight hundred and eighty-six, one to serve until the first day of April, one thousand eight hundred and eighty-seven, and one to serve until the first day of April, one thousand eight hundred and eighty-eight: *Provided*, That each commissioner shall name one of said inspectors. And in case the court shall omit to appoint said inspectors at the time mentioned, the president judge of the court and one or more of the associate judges, if any, may appoint the said inspectors in vacation and annually thereafter; the said court at the first session in each year and the said board of county commissioners in the month of February in each year shall each appoint one inspector of said prison, who shall serve for three years, from the first day of April ensuing their appointment and until a successor shall have been appointed and duly qualified.

When a vacancy occurs in the board of inspectors, the same shall be filled by the authority that appointed the inspector whose place is to be filled within thirty days after receiving notice of such vacancy, and it shall be the duty of the president of the board of inspectors to give notice of every such vacancy as soon as practicable after the same may occur.

SECTION 2. The inspectors at their first meeting after their appointment and at their first meeting held after the appointment of the two new inspectors every year thereafter, shall appoint one of their number president of the board, and also appoint a secretary, who may not be a member of the board, who shall hold their offices for one year and until their successors shall be appointed. The secretary shall keep correct minutes of the proceedings of the board in a book provided by the county commissioners for that purpose. The inspectors shall meet monthly and as much oftener as they may deem necessary. They shall make such rules and regulations as are necessary for the government of the prison: *Provided*, They be not inconsistent with the Constitution and laws of this Commonwealth, or with the principles of separate confinement of the prisoners. At the meeting at which a president and secretary are to be appointed in each year, and at such other times as may be fixed by the by-laws, the board of inspectors shall nominate, and with the approval of the president judge of the court of quarter sessions, appoint a warden, and, if necessary, a matron and physician for the prison and all other persons employed in the capacity of keeper or assistants about said prison, and shall fix their compensation and the compensation of all other persons employed about the prison: *Provided*, That the compensation shall be approved by the court of quarter sessions.

They shall direct the manner in which all supplies necessary for the support and employment of all persons confined in said prison shall be purchased and the sale of all articles manufactured therein, and shall direct the manner in which the convicts confined in said prison shall be employed. They shall determine the kind and quantity of food that shall be furnished daily to each person confined in said prison or debtors' apartment. They shall determine the kind of bedding to be furnished convicts, prisoners, and debtors, or those held as witnesses, the quality, form, and color of the clothing to be worn by the convicts. One or more of the inspectors shall visit the prison once in each week, and oftener if necessary, and see that the duties of the several officers and attendants are duly performed, and they shall take measures to prevent oppression, peculation, and other abuses or mismanagement in the prison.

The inspectors shall be furnished with a calendar of the persons confined in the prison by the warden whenever required, in order that they may know, by actual count and inspection, whether all the persons named in said calendar are confined in the respective cells assigned them, and that the convicts are kept as shall have been directed by the board. They shall, on their visit to the cells, speak to each person confined therein, and on these visits they shall not be accompanied by any of the officers of the prison unless their attendance be especially required by the visiting inspector or inspectors. They shall have power to examine any person, under oath or affirmation or otherwise, touching any abuse or act of oppression in the prison, or touching any other matter within the purview of their duties, and for this purpose shall have authority to administer oaths or affirmations.

They may at any time with the approbation of the president judge of the court of quarter sessions dismiss the warden, matron, physician, or any keeper, and fill the vacancy in the manner herein provided, and fill all other vacancies otherwise occurring in said offices.

They shall report in writing to the court of quarter sessions of said county, on the first day of the first term in every year, and at such other times as the court may direct, of the state and condition of the prison, which report shall contain the number of prisoners in confinement, their ages, sex, place of nativity, time of commitment, for what cause and offense committed, and of those, if any, who have escaped or have been pardoned or discharged, with the particulars connected therewith, and give such information as they may deem expedient for making the prison effectual in the punishment and reformation of offenders; whereupon the said court shall take such order or such report as they shall think necessary, and the same shall be filed in the office of the clerk of the court aforesaid.

Section 3. The board of inspectors of the prison may discharge from prison without any proceeding under the insolvent laws of this Commonwealth every convict who shall have served out the term of his imprisonment, notwithstanding such convict shall not have paid the cost of prosecution fine to the Commonwealth or restore property stolen or paid the value thereof, if, in the opinion of the said board of inspectors, such convict is unable to pay or return the same: *Provided always*, That such discharge shall in no way interfere with the rights of the Commonwealth, the public officers, or of any person interested in the payment of such cost or fines or the restitution of property stolen, but no such discharge shall be allowed or granted by the said board of inspectors until such convict shall have exhibited to them, on oath or affirmation, duplicate schedules of all his property, so far as he can ascertain the same, one of which schedules of property shall be filed and preserved with the papers of the prison and the other forthwith delivered to the clerk of quarter sessions of said county, who shall file the same in his office.

Section 4. The official visitors of the prison shall be the Governor, the members of the Board of Public Charities of Pennsylvania, the Legislature, the Secretary of the Commonwealth, the judges of the Supreme Court, the president judges of all courts in the State, the Attorney General, and the president and associate judges, district attorney, the grand jury commissioners, sheriff, and coroner of the county, and the acting committee of the Philadelphia Society for Alleviating the Miseries of Public Prisons. No person who is not an official visitor or who has not written permission granted according to the rules the inspectors may adopt (excepting attorneys-at-law who shall desire to visit their clients confined for trial and such

religious advisors as may be desired by and at the request of any prisoner) shall be allowed to visit the prison. None but the official visitors and religious advisors shall have any communication with the convicts. No visitor whatever shall be permitted to deliver to or receive from any convict or other person confined in the prison any letter or message whatever, or to supply them with any articles of any kind, excepting letters or messages to or from persons confined for trial, which shall have been before submitted or communicated to the warden or one of the inspectors, and permission in writing granted by him, nor supply any person confined in prison with any article of any kind without such permission under the penalty of one hundred dollars for each offense. Any visitor who shall discover any abuse, infraction of law, or oppression in which any officer or other person employed about the prison is implicated, shall immediately make the same known to the board of inspectors, or to the judges of the court of quarter sessions if any of the inspectors are implicated.

Section 5. The warden shall, before entering upon the duties of his appointment, be duly sworn or affirmed to truly and faithfully discharge the duties of his office, a copy of which oath or affirmation shall be filed among the papers of the inspectors. He shall also, before entering upon his duties, give bond to the Commonwealth of Pennsylvania in such amount and with such security as the president judge of the court of quarter sessions of the county shall determine and approve, conditioned for the faithful discharge of all the duties enjoined upon him by this act or by any subsequent act that may be passed, or by the rules of the inspectors, for a just and accurate account of all moneys, goods, chattels, and effects of all kinds and descriptions whatever that may come into his hands or that may be placed under his care in pursuance of said appointment, on behalf of said prison or by any person confined therein, for the delivery to his successor in office all books, papers, and documents, also of all goods, chattels, and effects which he may have and hold in the right of said appointment, and for the payment of any balance of money belonging to said prison or any person confined therein remaining in his hands, and for safe-keeping of all prisoners and other persons committed to his charge, which bond shall stand for the use of any person or persons injured by the acts of said warden, and may be proceeded on by any person aggrieved in the same manner as is directed with regard to sheriffs' bonds. All other persons employed in or about the prison shall, if the inspectors require it, give bond with security in such amount as they may direct, conditioned as near as expedient to that of the warden and in such manner as the inspectors shall fix and determine, said bond to be approved by said inspectors, said bond of treasurer and warden to be taken and acknowledged before the recorder of deeds of the said county and recorded in his office at the cost of the respective officers, and the original bonds shall be filed by the inspectors in their office. Copies of the record of any of the said bonds, acknowledged and recorded as aforesaid and duly certified by the recorder of deeds, for the time being shall be good evidence in any action brought against such treasurer, or warden, or their sureties on such bonds, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

Section 6. The warden, of the prison when qualified to act and when he shall have entered on the discharge of his duties, shall and he is hereby required and directed to receive and take charge of all persons lawfully committed by any court, judge, alderman, or justice of the peace or other officer having power to commit to prison, and said warden shall be responsible

for the safe-keeping of all persons so committed in the same manner and to the same extent that sheriffs and jailers are now by law held liable.

SECTION 7. The warden shall reside at the prison, and shall not be absent himself for a night without the consent of two inspectors, which must be in writing. He or his assistants shall visit every cell and apartment by entering therein, and see and inspect the condition of every person confined in the prison twice every day, and oftener if necessary, and when visiting the female prisoners shall invariably be attended by the matron. He shall keep a journal in a book provided by the county commissioners for that purpose, in which he shall regularly enter the reception, discharge, death, pardon, or escape of prisoners, also of the complaints that are made and the punishments inflicted for breach of rules and discipline as they occur, the visits of the inspectors and physician and all other occurrences of note that concern the state of the prison. He shall, with the advice and consent of inspectors, appoint his assistants and dismiss them whenever he or the inspectors deem it proper to do so. He shall report all infractions of the prison rules to the inspectors, and, with the approbation of an inspector, punish the offender in such manner as shall be directed by the rules of the prison. He shall take charge of, keep, and preserve all money, effects, and clothes found on any person brought into prison to be confined as a convict or prisoner; shall deliver the same to such person or order when discharged, and at other times by order of an inspector, who may at any time think such money or effects, or any portion thereof, would be necessary and proper for such person. He shall see that all meals are regularly delivered to the prisoners according to the prison allowance and shall superintend the work of convicts who may be employed in the prison. He shall give immediate notice to the physician whenever any person confined in the prison shall complain of sickness requiring medical aid. He shall obey all orders given by the inspectors and conform to all rules established for the government of the prison.

SECTION 8. The matron shall reside at the prison and shall not absent herself for a night without the consent of the warden and two of the inspectors in writing. She shall visit by entering every cell and apartment occupied by a female, and see and inspect the condition of every female prisoner twice a day, and oftener if necessary. She shall inform the warden daily, and oftener if required, of every matter of importance relative to the persons' cells and all other matters under her care. She shall direct the labor and occupation of the female prisoners under the general direction of the warden, and give such instructions as may tend to their reformation and to rendering them useful members of society.

SECTION 9. The physician shall visit every prisoner once in every two weeks, and oftener if his or her health requires it, and report in writing every three months to the inspectors. He shall attend immediately on notice from the warden that any prisoner is sick and prescribe and administer medical aid to such prisoner.

He shall, on the reception of any person into the prison as a convict, if present, or if not present, at his next visit, examine the state of his or her health, and shall direct the diet of prisoners under his care and such other matters as in his judgment will best promote their health and comfort.

SECTION 10. The warden's assistants shall examine into the condition of every person committed to their care three times in each day, and oftener if necessary, or when directed to do so by the warden.

They shall see that all meals are regularly delivered to the prisoners

according to the prison allowance and rules, and superintend, under the general direction of the warden, the work of all prisoners who are employed.

They shall give immediate notice to the warden, or in his absence to the physician, whenever any person confined shall complain of illness requiring medical aid. Each one of the warden's assistants shall have a certain number of persons confined assigned to his care by the warden, and he shall make a daily report to the warden of their health and conduct, and no assistant shall be present when the warden or any of the inspectors shall visit the persons confined under his particular care unless required. They shall obey all orders given by the warden, conform to all rules established for the government of the said prison. All orders to the male assistants must be given through or by the warden, and to the female assistants through or by the warden or matron. They shall not absent themselves from the prison during the hours of duty without permission in writing from the warden.

SECTION 11. On the reception of any person for imprisonment for debt or for a fine, forfeiture, or penalty, or for costs consequent on any breach or violation of law, or being held as a witness not an indictable offense, he or she shall be confined in the debtors' apartment and kept in the manner provided by the laws of this Commonwealth in relation to debtors.

SECTION 12. That on the reception of any person committed for trial, he or she shall be examined by the warden in the presence of the officer or other person delivering such prisoner and such inspectors as may be present, and also such of the warden's assistants as can conveniently attend. All money, effects, and clothing shall be taken from the prisoner so committed, of which an entry shall be made in a book provided for that purpose by the county commissioners, and such entry shall be signed by the warden and attested by the person who may be present at the examination and taking of such clothing, money, and effects, which clothing, money, and effects shall be kept and preserved and restored to the prisoner when discharged from imprisonment. The prisoners mentioned in this section shall be numerically designated, by which each may thereafter be known during his or her imprisonment. Such prisoners shall be provided, when in the opinion of the inspectors it is necessary for their comfort, with suitable clothing to be worn when in prison. They shall be subject to such rules as the inspectors may adopt for the preservation of cleanliness, decorum, and order in the cells, and may be punished by closer confinement and deprivation of food to compel obedience to such rules. No such prisoner shall be discharged while laboring under any dangerous disease, unless by his or her own desire. Two changes of linen shall be furnished to each prisoner every week in summer and one to each every week in winter. Persons committed for trial shall not be compelled to labor unless at their own desire, and should any such prisoner desire to work, he or she shall, as soon as practicable, be put to labor at such work as may be carried on in the prison, and in case of acquittal and discharge, he or she shall be paid for the labor performed by the inspectors out of the funds of the prison, such sum as the inspectors of the prison shall adjudge to be fair and proper, and every such person may procure books and writing material at his or her own expense and shall be allowed to read and write, subject, nevertheless, to such restrictions as the inspectors may prescribe in relation thereto.

SECTION 13. On the reception of a convict, he or she shall be examined by the warden in the presence of one or more of the inspectors who may be present and of the warden's assistants who can conveniently attend, touching his or her name, parentage, alleged place of nativity, profession,

occupation or trade, complexion, color of hair, eyes, and have the convict's height and length of his or her feet accurately measured, and take a note of all natural and accidental marks and peculiarities of feature or appearance which may serve to identify the person, and if the convict can write, he or she shall be required to write his or her name or signature to the description of his or her person. The convict shall then be examined by the physician, if present, as to his health, and all money, effects, and clothes on the person shall be taken, kept, and preserved, and afterwards delivered to the prisoner as before provided; all of which shall be entered in a book provided for that purpose by the county commissioners.

The prisoner shall then be bathed, cleansed, and clothed in the uniform of the prison and placed in the cell assigned him or her.

The prisoner shall be numerically designated, by which he or she shall thereafter be known during his or her confinement in said prison. No convict shall be allowed the use of tobacco or ardent spirits in any form, unless under the special direction of the attending physician, nor be permitted to receive anything but the prisoners' allowance; and any person who shall supply, or attempt to supply, any convict with any article herein forbidden shall on conviction be fined not less than twenty nor more than one hundred dollars, and if the warden, or other officer, or assistant, or any person employed about the prison shall violate the said provisions shall, in addition to the foregoing penalty, be dismissed from the service. No convict shall be discharged while laboring under any dangerous disease, unless by the convict's own desire; nor shall any convict be discharged in violation of the act of Assembly passed the eighteenth day of February, Anno Domini one thousand eight hundred and forty-seven, relative to the discharge of convicts. The uniforms of the male convicts shall be a jacket of cloth and trousers of the same, or other warm stuff for the winter and lighter materials for the summer, the form and color of which and the kind of dress to be worn by the female convicts shall be determined by the inspectors. Two changes of linen shall be furnished to each convict every week in summer and one change every week in winter. When a convict shall be discharged, the clothes belonging to the convict shall be taken off and the clothes and money and effects taken from him or her at the time of reception in prison not before recovered shall be restored. If he or she shall not possess any money or suitable clothing, the inspectors shall provide the convict with what in their judgment may be necessary, not exceeding in money and clothing five dollars in amount.

Section 14. No inspector, warden, or other person appointed or employed to execute any duty, trust, or work in or about the prison shall sell any article of any kind to any prisoner or to or for the use of the prison, or be directly or indirectly in any way concerned in any contract connected with such sale, or derive any emolument or advantage from such sale or contract, nor shall either or any of them extend to any person confined in the prison any favor, lenity, or mitigation of punishment, or inflict any punishment not authorized by law or by the rules that shall be adopted by the inspectors in accordance with law; nor shall they receive under any pretense whatever from any person confined in said prison or from any one else on his or her behalf any money, reward, gratuity, or gift whatever, and any violation of this law or any subsequent act relating to said prison shall be considered and adjudged to be a misdemeanor, and on conviction of any person of such offense in the court of quarter sessions the persons so convicted shall be punished by a fine of not less than twenty nor more than three hundred dollars and be imprisoned for any term not less than one nor

more than twelve months, and shall be immediately removed from his office, appointment, or employment.

SECTION 15. From and after the passage of this act, no inquest shall be held on the body of any person who may die during his or her confinement in a county prison unless the coroner of said county be thereunto required by the inspectors of said prison, except in cases of murder, suicide, manslaughter, or death caused by casualties. And it shall be the duty of the attending physician of said prison to certify to the inspectors thereof the name and age of every person who may die in said prison, and the disease or cause of death of each person so far as he can ascertain the same, which certificate the inspectors of said prison shall cause to be entered in a book to be kept for that purpose, and the original shall be delivered to the clerk of the court of quarter sessions of the county, to be filed in his office for the inspection of all persons interested. And the inspectors of said prison (unless the friends of the deceased take charge of the body) shall comply with the act for the promotion of medical science approved June thirteen, one thousand eight hundred and eighty-three.

SECTION 16. The penalties imposed by this act for the recovery of which is not herein specifically provided for shall be recovered in the name of the county for the use of said county before any justice, alderman, or court of record having jurisdiction of sums of that amount.

SECTION 17. That for the funds necessary for keeping, furnishing, and maintaining said prison in conformity with the provisions of this act the inspectors are hereby authorized to apply to the commissioners of said county, and if it shall appear to said commissioners that the sum applied for is reasonable and that the accounts of said inspectors are properly kept and adjusted, the said commissioners shall forthwith draw an order on the treasurer of said county in favor of the treasurer of said prison for the use thereof, for such as shall be necessary to satisfy such demands.

SECTION 18. The treasurer of said county shall, in addition to his other duties, receive all moneys belonging to said county prison and shall disburse the same on orders drawn on him by the board of inspectors of said prison. He shall keep a true, separate account of all moneys received and disbursed by him, which account shall at all times be open for the inspection of the inspectors and each of them, and the commissioners of said county. He shall once in each year state his accounts and produce his vouchers which, after examination by the inspectors, shall by them be laid before the county auditors for settlement at the time and place where the auditors meet for the purpose of settling the accounts of the commissioners and other officers, and be acted and reported on as accounts of county officers are by law authorized to be settled, and subject to the same laws relative thereto, and be subject to like appeal, issue, and judgment, which account, when so settled, the inspectors shall cause to be published as the annual accounts of the county commissioners and treasurer are published. The treasurer shall give bond to the Commonwealth for the use of the said county in such amount and with such security as the judges of the courts of quarter sessions of said county shall determine and approve, conditioned for the faithful discharge of all duties enjoined on him by law, for a just account of all moneys that may come into his hands in behalf of said prison, for the delivery to his successor in office of all books, papers, and documents and other things held in right of his office for said prison, and for the payment by him of any balance of money belonging to said prison remaining in his hands. The said treasurer shall receive such compensation for his services

as shall be annually fixed by the inspectors, with the approbation of the county commissioners and county auditors.

SECTION 19. Whenever the court of quarter sessions of any county in this Commonwealth shall have determined that the prison of said county is fit for the reception and detention of convicts and other prisoners, it may issue an order to the officers and warden of the State penitentiary in whose district the county is situated for the removal of any or all prisoners who have at any time been sentenced to servitude in said penitentiary to the said county prison, in which they shall serve out the unexpired term of their several sentences, which order shall be executed by the sheriff of said county.

SECTION 20. The provisions of this act shall not apply to any county until first adopted by resolution of the board of county commissioners and said action approved by the court of common pleas of the proper county.

SECTION 21. All laws now existing on the subject of county jails and prisons erected in conformity with the act of Assembly of April eighth, one thousand eight hundred and fifty-one, and inconsistent with this act, are hereby repealed: *Provided*, That the provisions of this act shall not be construed to repeal any special or local law governing county prisons, nor to apply to county prisons governed under such special or local law until such special or local law shall be specifically repealed.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

No. 83.

AN ACT

To reduce the number of common councilmen in cities of the third class, and to fix the terms of office of select and common councilmen in such of said cities as accept the provisions of this act.

SECTION 1. *Be it enacted, &c.*, That hereafter in all cities of the third class each ward shall be entitled to one member of the select council and two members of the common council; the term of office of select councilmen shall be four years and of common councilmen two years: *Provided*, That at the first municipal election after the passage of this act and its acceptance as hereinafter provided, select councilmen elected in wards having odd numbers shall serve two years and those elected in wards having even numbers shall serve four years, and at each regular municipal election thereafter the select councilmen elected in place of those whose term shall expire on the first day of April succeeding the election shall serve four years.

SECTION 2. This act shall not be in force in any city of the third class until accepted by councils thereof by ordinance.

AMOS H. MYLIN,
President pro tem. of the Senate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

No. 84.

AN ACT

To provide for the more efficient collection of delinquent taxes and municipal claims in cities of the fourth and fifth classes, and for the preservation of the lien of the same.

SECTION 1. *Be it enacted, &c.*, That in all cities of the fourth and fifth classes in this Cammonwealth, the officer and officers having charge of the collection of municipal taxes and of municipal claims for sewering, paving, laying of sidewalks, guttering, curbing, abatement of nuisances, or for any other purpose, shall, on or before the first day of January of each year, return to the councils of such cities a list of taxables who have neglected or refused to pay their taxes for the year then current in whole or in part, or who have neglected or refused, for three months or more, to pay any municipal claims duly assessed against them during the current year, together with the amount of the tax or claim from each individual then remaining unpaid.

SECTION 2. Whenever such tax has been levied upon the valuation of any real estate, and in all cases of such municipal claims, it shall be the duty of the councils of the cities, on or before the first day of the ensuing April, to cause to be filed in the office of the prothonotary of the county a description of the real estate on the basis of which the claim was incurred or the tax was levied, setting forth:

First. The ward of the city in which the street, on which and between which the land is located.

Second. The approximate frontage of the land upon the street or streets, the owners or reputed owners of the adjoining lands fronting on the street or streets, the general character of the chief building or buildings thereon, according to their use, whether the same be for dwelling, mercantile, manufacturing, or for other purposes.

Third. The name of the taxable to whom the same was assessed.

Fourth. The amount of tax or claims for which the lien is entered.

SECTION 3. It shall be the duty of the prothonotary to enter a record of such returns and description at length upon a docket, to be known as the tax-lien docket, and to index it against the taxable in a special index, and thereafter the amount of the tax, with interest and one dollar costs to be paid the prothonotary, and two dollars costs in favor of the city, shall be and remain a lien upon the land described during a period of five years, unless sooner paid.

SECTION 4. No judicial sale upon any judgment, mortgage, mechanics', or other lien shall have the effect of discharging any lien provided for by this act beyond the extent to which it shall actually be paid out of the proceeds of such sale on account of such tax or municipal lien, and it shall be entitled to priority of distribution.

SECTION 5. The city may at any time during the life of any such lien proceed to enforce its collection by a writ of *scire facias*, and thereupon may proceed to final judgment, execution and sale of the land in the manner provided by the laws of this Commonwealth, in proceedings by *scire facias* upon mechanics' liens.

SECTION 6. All acts of Assembly inconsistent herewith are hereby repealed: *Provided*, That this act shall only apply to such cities as shall accept the provisions hereof by ordinance duly adopted by the councils thereof and approved by the mayor, and a certified copy of which ordinance shall

be recorded in the office of the recorder of deeds in the county in which such city is situate.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

No. 85.

AN ACT

To prohibit the peddling, selling, or hawking of produce and merchandise in cities of the fourth and fifth classes in this Commonwealth without a license.

SECTION 1. *Be it enacted, &c.*, That no person or persons shall be employed, engaged, or concerned in the business or employment of hawking, peddling, or selling produce or merchandise, or either or any of them, within the limits of any city of the fourth and fifth classes within this Commonwealth without having previously taken out a license, and if any person or persons shall go from house to house within the limits of such cities to sell, or offer, or expose for sale such articles or any of them without having paid such sum or sums as may be fixed by ordinance of councils of such cities into the treasury thereof and received a license therefor, the person or persons so offending shall forfeit and pay for each and every offense the sum of fifty dollars, to be recovered summarily before the mayor or police magistrate of such city wherein the offense shall have been committed: *Provided, however*, That nothing herein contained shall be construed so as to prohibit farmers, gardeners, or dairymen from selling the products of their own farms, gardens, or dairies.

SECTION 2. Councils of the cities of the fourth and fifth classes, after the approval of this act, shall be empowered to fix by ordinance the amount to be paid for a license and the time the same shall be granted for, and prescribe and regulate the manner of payment thereof into the treasury of such cities.

SECTION 3. This act shall not be in operation nor shall it go into effect in any city of the fourth and fifth classes until councils accept the same by ordinance.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

No. 86.

AN ACT

Providing for the incorporation and government of cities of the fourth class in this Commonwealth; regulating the passage of ordinances authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same; providing for the assessment and collection of taxes; defining and punishing certain offenses, and providing for the making of contracts for supplies and work for said cities.

Article I.

Section 1. *Be it enacted, &c.*, That for the exercise of certain corporate powers, and having respect to the number, character, powers, and duties of certain officers thereof, the cities now in existence or hereafter to be incorporated in this Commonwealth, and having in population less than thirty thousand and exceeding twelve thousand, and designated by existing laws as cities of the fourth class and coming under the provisions of this act, shall be bodies corporate and politic, and shall have perpetual succession, and shall have power—

I. To sue and be sued.

II. To purchase and hold real and personal property for the use of the city.

III. To lease or to sell and to convey any real or personal property owned by the city, and to make such order respecting the same as may be conducive to the interests of the city.

IV. To make all contracts and do all other acts in relation to property and affairs of the city necessary to the exercise of its corporate or administrative powers.

V. To have and use a corporate seal and alter the same at pleasure, and every such seal shall have upon it the word "Pennsylvania," the name of the city, and date of incorporation.

VI. To exercise such other and further powers as are or may be conferred by law.

The powers hereby granted shall be exercised by the mayor and councils of such cities in the manner hereinafter provided.

Article II.

CORPORATE POWERS.

Section 1. The mayor and councils of each of said cities governed by this act shall have the care, management, and control of the city and its finances, and shall have the power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State or of the Constitution of the United States, and such as it shall deem expedient for the good government of the city and preservation of the peace and good order, the suppression of vice and immorality, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules, and regulations as may be necessary to carry such powers into effect and the same to alter, modify, or repeal at pleasure.

The said cities coming under the provisions of this act in their corporate capacities are authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this act:

Clause 1. To levy and collect taxes for general revenue purposes, not to exceed ten mills on the dollar in any one year on all the real, personal, and

mixed property within the limits of said cities taxable according to the laws of the State of Pennsylvania, the valuation of such property to be taken from the assessed valuation of the taxable property therein made under the provisions of law regulating the same.

Clause 2. To open and improve streets, avenues, and alleys, make sidewalks, and build bridges, culverts, and sewers within the city, and for the purpose of paying for the same, shall have power to provide for the payment of the same from the general revenue or by assessments on real estate benefited thereby, or both.

Clause 3. To impose a poll-tax not exceeding one dollar on all able-bodied males between the ages of twenty-one and fifty years.

Clause 4. To levy and collect license tax on auctioneers, contractors, druggists, hawkers, peddlers, bankers, brokers, pawnbrokers, merchants of all kinds, grocers, confectioners, restaurants, butchers, taverns, public boarding-houses, dram shops, saloons, liquor sellers, billiard tables, bowling alleys, and other gaming tables, drays, hacks, carriages, omnibuses, carts, wagons, street railroad cars, and other vehicles used in the city for pay, lumber dealers, furniture dealers, saddle or harness dealers, stationers, jewelers, livery stable-keepers, pavement stands, express companies or agencies, telephone, telegraph companies or agencies, shows, theaters, skating-rinks, and all kinds of exhibitions for pay, and regulate the same by ordinance.

Clause 5. To restrain, prohibit, and suppress tippling shops, billiard tables, bowling alleys, houses of prostitution and other disorderly houses and practices, games and gambling-houses, desecration of the Sabbath day, commonly called Sunday, and all kinds of public indecencies.

Clause 6. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose and enforce the same within five miles of the city.

Clause 7. To erect, establish, and regulate hospitals, work-houses, and poor-houses, and to provide for the government and support of the same.

Clause 8. To make regulations to secure the general health of the city and to remove and prevent nuisances.

Clause 9. To have at all times the right to supply with water the city, and such persons, partnerships, and corporations therein as may desire the same at such prices as may be agreed upon, and for that purpose to have at all times the unrestricted right to make, erect, and maintain all proper water-works, machinery, buildings, cisterns, reservoirs, pipes, and conduits for the raising, conveyance, and distribution of water, or to make contracts with and authorize any person, company, or association to erect all proper water-works, machinery, buildings, cisterns, reservoirs, pipes, and conduits for the raising, reception, conveyance, and distribution of water, and give such persons, company, or association the privilege of furnishing water as aforesaid for any length of time not exceeding ten years.

Clause 10. To establish, regulate, and support night-watch and police and define the powers and duties of the same.

Clause 11. To provide for and regulate the lighting of the streets with gas, electric lights, or otherwise.

Clause 12. To purchase and own grounds for and to erect and establish market-houses and market-places, and to regulate and govern the same, and also to contract with any person or persons, or associations of persons, companies or corporations for the erection and regulation of said market-houses or market-places, on such terms and conditions and in such manner as the council may prescribe, and raise all necessary revenue therefor as herein provided, and also to levy and collect a license tax not to exceed

twenty-five cents per day from each person occupying streets and sidewalks for market purposes aforesaid; the space each may occupy shall be regulated by ordinance.

Clause 13. To provide for the erection and government of any and all useful and necessary buildings for the official use of the city.

Clause 14. To provide by ordinance for the erection or purchase of lock-ups or watch-houses in some convenient part of said city for the detainer and confining of vagrants and persons arrested by the police officers until the persons so arrested shall be taken before the proper magistrate for hearing, and committed to prison or discharged; but no person shall be detained in said watch-house for a longer time than twenty-four hours, except upon the order of a magistrate, legally authorized, who may commit such person for further hearing.

Clause 15. To provide for removing officers of the city for misconduct whose offices are created and made elective by this act, and shall have power to create any office they may deem necessary for the good government and interest of the city.

Clause 16. To regulate the police of the city and to impose fines, forfeitures, and penalties for the breach of any ordinance; also for the recovery and collection of the same, and in default of payment to provide for confinement in the city prison or to hard labor in the city upon the streets or elsewhere for the benefit of the city.

Clause 17. To regulate and prescribe the powers and duties and compensation of all officers of the city.

Clause 18. To require from all officers and agents, elected or appointed, bonds and security for the faithful performance of their duties.

Clause 19. To have the exclusive right at all times to supply with gas or other light the said city, and the right to supply with gas or other light such persons, partnerships, and corporations therein as may desire the same at such prices as may be agreed upon, and also at all times to have the unrestricted right to make, erect, and maintain the necessary buildings, machinery, and apparatus for manufacturing and distributing the same, or to make contracts with, and authorize any person, company, or association so to do, and to give to such person, company, or association the privilege of supplying gas or other light as aforesaid for any length of time not exceeding ten years.

Clause 20. To establish, alter, or change the channels of water-courses, and to wall them and cover them over, to establish, make, and regulate public wells, cisterns, aqueducts, and reservoirs of water, and to provide for filling the same.

Clause 21. To regulate the running at large of cattle, hogs, horses, mules, sheep, goats, dogs, and other animals, and to cause such as may be running at large to be impounded and sold, to discharge the costs and pen alties provided for the violation of such prohibitions, and the expenses of impounding and keeping the same and of such sale, to regulate and pro vide for taxing the owners and harborers of dogs, and to destroy dogs found at large contrary to any ordinances regulating the same.

Clause 22. To provide for the erection of all needful pens, pounds, and buildings for the use of the city within or without the city limits, and to appoint and compensate keepers thereof and to establish and enforce rules governing the same.

Clause 23. To regulate the construction of and order the suppression of and cleaning of fire-places, chimneys, stoves, stove-pipes, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory, or

business which may be complained of by any citizen before the mayor as dangerous in causing or promoting fires, and to prescribe limits within which no dangerous or obnoxious and offensive business may be carried on.

Clause 24. To prescribe limits within which no buildings shall be constructed except of brick, stone, or other incombustible material, with fire-proof roof, and to impose a penalty for the violation of such ordinance.

Clause 25. To procure fire-engines, hooks, ladders, buckets, and other apparatus, and to organize fire-engine, hook and ladder, and bucket companies, and to make all necessary appropriations therefor, and to prescribe rules of duty and the government thereof, with such penalties as the councils may deem proper, not exceeding one hundred dollars.

Clause 26. To provide for the construction and maintenance of levees, and to establish and enforce suitable police regulations for the protection of persons and property at public squares, parks, depots, depot grounds, and other places of public resort.

Clause 27. To provide for the construction and maintenance of bridges or other crossings over railway tracks and canals at the intersection of public streets, and to enter into contracts with railroad, or railway, or canal companies in reference to the construction and maintenance of the same, and also to make reasonable regulations concerning the rate of speed at which railway engines, cars, and trucks shall pass upon or across the streets within the built portions of said cities.

Clause 28. To establish standard weights and measures to be used in the city and to regulate the weighing and measuring of every commodity sold in the city in all cases not otherwise provided by law.

Clause 29. To provide for the inspection and weighing of hay, grain, and coal, and the measuring of wood and fuel to be used in the city, and to determine the place or places of the same, and to regulate and prescribe the place or places of exposing for sale hay, coal, and wood, to fix fees and duties of persons authorized by councils to perform the duties prescribed by ordinance.

Clause 30. To remove all obstructions from the sidewalks, curb-stones, gutters, and cross walks, at the expense of the owners or occupiers of the ground fronting thereon, or at the expense of the person placing the same there, and to require and regulate the planting and protection of shade trees in the streets, the building of cellar and basement ways, and all other excavations through and under the sidewalks in the said city.

Clause 31. To make and establish such and so many rules and regulations as to them may seem expedient for the better regulation of porches, porticos, benches, door-steps, railings, buck or jut windows, areas, cellar-doors and cellar-windows, signs and sign posts, boards, poles, or frames, awnings, awning-posts, or other device or thing projecting over, under, into, or otherwise occupying the sidewalk or other portion of any of the streets, lanes, and alleys, and in relation to boxes, bales, barrels, hogsheads, crates, or other articles of merchandise, lumber, coal, wood, ashes, building materials, or any other article or thing whatsoever placed in or upon any of the said foot ways, sidewalks, or other portion of the said streets or alleys, and for the better protection and regulation of markets, market-stands, and market-houses.

Clause 32. To cause to be graded, paved, or macadamized any public street, lane, or alley, or parts thereof, which is now or may hereafter be laid out and opened in any of the said cities, and have the same set with curb-stone, and to provide for the levy and collection of the costs and expense of the

same from the owners of the real estate bounding and abutting thereon by an equal assessment on the feet front bounding or abutting as aforesaid; but councils shall not order any street, lane, or alley, or any part thereof, to be paved except upon the petition of a majority of the persons holding real estate on said street, lane, or alley, or the part thereof proposed to be paved, unless said councils shall have enacted an ordinance providing for the same, which ordinance shall have been passed by a two-thirds vote of both branches of councils; and councils may provide by ordinance for assessing the damages sustained by any property from the grading of any street, lane, or alley under this act upon the property that may be benefited thereby, and at the expense of the owner or owners of property adjoining, to regulate, grade, pave, and repave, curb and recurb the said footways or sidewalks, and the said ordinances, rules, and regulations to execute under the direction or superintendence of such persons as they may authorize or appoint, and the same to enforce by suitable penalties, which penalties and the expense of paving and repaving, curbing and recurbing as aforesaid, shall be recoverable before any alderman of said city, or before any court having jurisdiction in the same manner that debts of like amount are by law recoverable.

Clause 33. To provide for the assessment and collection of taxes not exceeding one per centum upon the assessed valuation in any one year on all persons real and personal property, and all other matters and things within said city taxable for State and county purposes, for the payment of interest on bonded indebtedness and for the payment of loans to support the government and make the necessary improvements in said city, and to meet the current expenses of such city, and the assessors in the several wards shall perform the duties in conformity with the provisions of this act and the ordinances of said city; all taxes assessed and levied upon real estate, and all liens created by and in pursuance of this act, and the laws and ordinances of said city, shall be a lien on such real estate until paid, and the lien shall have priority to, and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility which the said real estate may become charged with or liable to, from and after the passage of this act, and shall not be divested by any judicial sale except for so much thereof as the proceeds of such sale shall pay, nor shall the defendant or defendants or other persons in any writ of *fieri facias, venditioni exponas* or *levari facias*, be entitled to claim any exemption under a levy and sale of any real estate charged with such tax against the allowances or payment of the same.

Clause 34. To prevent and restrain riots, routs, noises, disturbances, or disorderly assemblies in any street, house, or place in the city, to regulate, punish, and prevent the discharge of fire-arms, rockets, powder, fireworks, or any other dangerous combustible material in the streets, lots, grounds, alleys, or in the vicinity of any buildings; to regulate, prevent, and punish the carrying of concealed weapons; to arrest, regulate, punish, fine, or set at work on the streets or elsewhere all vagrants; to prevent and remove all encroachments into and upon all sidewalks, streets, avenues, alleys, and other city property, and prevent and punish all horse-racing, fast driving, or riding in the streets, highways, alleys, bridges, or places in the city, and all games, practices, or amusements therein likely to result in damage to person or property; to regulate, prevent, and punish the riding, driving, or passing of horses, mules, oxen, cattle, or other teams, or any vehicle drawn thereby, over, upon, or across sidewalks or along any street of the city.

Clause 35. To make all such ordinances, by-laws, rules, regulations, and

resolutions not inconsistent with the laws of the State, as may be expedient, in addition to the special powers in this section granted, maintaining the peace, good government, and welfare of the city and its trade, commerce, and manufactories, and to enforce all ordinances by inflicting penalties upon any person or persons for violation thereof not exceeding one hundred dollars for any one offense, the same to be recoverable with costs before the mayor, recorder, or any alderman of such city, together with judgment of imprisonment if the amount of said judgment and costs shall not be paid, not exceeding thirty days subject to *certiorari* or appeal, as hereinafter provided.

Clause 36. To appropriate money and provide for the payment of the debts and expenses of the city.

Clause 37. To divide the city into wards, establish the boundaries thereof and number the same; but no city of this class shall contain more than twelve wards, unless the population thereof shall exceed twenty-five thousand.

Clause 38. To open, widen, or otherwise improve or vacate any street, avenue, alley, or lane within the limits of the city, and also to create, open, and improve any new street, avenue, alley, or lane.

Clause 39. To create, open, widen, or extend any street, avenue, lane, or alley, or annul, vacate, or discontinue the same whenever deemed expedient for the public good.

Clause 40. To issue, from time to time, street bonds to contractors or other persons performing work or furnishing materials in said city, on such terms and in such manner as the councils may provide.

Clause 41. To borrow money on the credit of the city, and pledge the credit revenue and public property thereof for the payment of the same to an amount not exceeding two per centum upon the assessed value of the taxable property in said city, and with the consent of the people of the said city, obtained at an election held under the provisions of the Constitution and of the general laws of this Commonwealth, to increase the indebtedness of such city to an amount not exceeding in the aggregate seven per centum upon the assessed valuation of the property therein.

Clause 42. To provide for the issuing of bonds and for the application of bonds already issued by cities heretofore incorporated for the purpose of funding any and all indebtedness now existing or hereafter created of the city now due or to become due: *Provided*, That said bonds shall be payable in not less than five years and not more than twenty years from the date of their issue, and that said bonds shall bear interest at a rate not exceeding six per centum per annum.

Clause 43. To make provisions for a sinking fund of not less than one mill nor more than three mills per annum, to pay at maturity the bonded indebtedness of the city, and to levy and collect taxes on all taxable property in the city in addition to other taxes for the purpose of paying said bonded indebtedness.

Clause 44. The city councils shall have power, by and with the consent of a majority of the qualified electors thereof, obtained at an election held therefor, at a time and place to be by councils fixed, to purchase lands and premises for public parks for said city, and shall have the right and power to levy and assess such special taxes for said purposes as may be necessary to pay for the same.

Clause 45. To appoint biennially a competent city engineer, with such assistants and with such compensation for city engineer and his assistants as they may deem proper, and shall have power to remove such engineer

and assistants at the pleasure of councils, and in case of vacancies in said appointments to fill the same.

Clause 46. To enter upon the land or lands, lot or lots, of any person or persons within said city at all reasonable hours, by their duly appointed city engineer, in order to set out the foundations and regulate the walls to be built between party and party, as to the breadth and thickness thereof, which foundation shall be laid equally upon the lands of the persons between whom such party wall is to be made, and the first builder shall be re-imbursed one moiety of the charge of such party wall, or for so much thereof as the next builder shall have occasion to make use of before such next builder shall or may use or break into said wall.

Clause 47. To enter upon the land or lands, lot or lots, of any person or persons within said city at all reasonable hours, and by their city engineer regulate partition fences, and when adjoining parties do improve or inclose their lots, such fences shall be made in the manner generally used, and kept in good repair at the equal cost of the parties, unless the owners or possessors between whom such fence is or shall be erected do agree otherwise.

Article III.

THE LEGISLATIVE POWERS.

Section 1. The legislative power of such cities shall be vested in the councils thereof, which shall consist of two branches, the select and common councils.

Each of the wards of said city shall have one member of the select council, who shall be an inhabitant of the ward from which he shall be elected, and who shall have the same qualifications as a member of the Senate of the Commonwealth, to serve for three years, and each of the said wards shall have two members of the common councils of the said city, to serve for two years, and shall have in addition thereto one member of the common council of the said city for every ten hundred taxable inhabitants, and for every fraction thereof exceeding in number seven hundred, all of whom must be inhabitants of the wards from which they are elected, and who shall have the same qualifications as a member of the House of Representatives of the Commonwealth.

At the first election for select councilmen under this act, those elected in even-numbered wards shall serve for two years, and those elected in uneven-numbered wards shall serve for three years, and thereafter all elected shall serve three years: *Provided*, That any city composed of an even number of wards shall elect one select councilman-at-large, who shall have the same qualifications as a member of the Senate of the Commonwealth, and shall serve three years.

No municipal officer or employé of the city, or of any department, trust, or board connected with the city, shall be eligible as a member of councils.

Section 2. A majority of each council shall be a quorum. Each council shall choose a president from its own members by a majority of the members elected.

Appoint a clerk and other officers.

Determine the rules of its own proceedings.

Be the judge of the qualifications of its members, except in cases of contested elections, which shall be determined by the courts.

Keep a journal of its proceedings, which shall always be open to public inspection.

Have authority to compel the attendance of absent members, punish its

members for disorderly behavior, and expel a member, with the concurrence of two thirds of the members elected. All voting in councils shall be *viva voce*. The yeas and nays shall be taken on any question at the request of any two members and entered on the journal.

SECTION 3. The select and common councils shall assemble for the transaction of business on the first Mondays of every month in each year, and at such other times as they may deem necessary: *Provided*, That extra sessions may be called by the mayor at his discretion.

SECTION 4. Every legislative act of the councils shall be by resolution or ordinance, and every ordinance or resolution, except as hereinafter provided, shall, before it takes effect, be duly engrossed and certified to the mayor for his approval. If he approves, he shall sign the same, but if he shall not approve, he shall return it, with his objections, to the councils, who shall proceed to reconsider it. If, after such reconsideration, two thirds of the members elected to each branch of the councils shall pass such ordinance, it shall be a binding ordinance and become a law, valid to all intents and purposes as if the same had been approved of by the said mayor; but in all such cases the votes of council shall be determined by yeas and nays, and the names of the members of council so voting shall be entered on the minutes of said council. Every ordinance which the mayor shall not return within fifteen days shall have the same force and effect as if it had been approved of by the mayor. The mayor may approve ordinances in vacation of council, and may call special meetings of council to reconsider ordinances which he does not approve, on one day's notice to each member of the said council. The mayor may disapprove any item or items of any bill making appropriations, and the part or parts approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules prescribed herein for the passage of ordinances over the mayor's veto.

SECTION 5. The members of the select and common council shall be sworn or affirmed to support the Constitution of the United States and of the Commonwealth of Pennsylvania, and to discharge the duties of their office with fidelity; and the president-elect of each branch shall also be sworn or affirmed to perform his duties as president with fidelity, which oath or affirmation shall be administered to him by a member of the branch to which he belongs, appointed for that purpose, and the president so sworn or affirmed shall administer the oaths or affirmations to the members-elect and officers of their respective branches.

SECTION 6. Whenever a vacancy or vacancies shall happen in either branch of said councils by death, resignation, removal from the ward, or otherwise, such branch shall order an election to fill such vacancy or vacancies, to be held in the proper ward or wards at such times as shall be by such council respectively appointed, giving at least ten days' public notice of such election.

SECTION 7. A member of councils who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value, or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money, or other advantage matter, or thing aforesaid, for another as the consideration of his vote or official influence or for withholding the same, or shall give or withhold his vote or influence in the consideration of the payment or promise of such money, advantage

matter, or thing to another shall be held guilty of bribery, and shall, on conviction thereof, be punished by fine not exceeding ten thousand dollars and by separate and solitary confinement at labor for a period not exceeding five years, and shall be forever incapable of holding any place of profit or trust in this Commonwealth.

SECTION 8. Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any member of councils to influence him in the performance of any of his public or official duties shall be guilty of a misdemeanor, and be punished by a fine not exceeding four hundred dollars or by imprisonment not exceeding three years, or both, or either, at the discretion of the court.

SECTION 9. A member who has a personal or private interest in any measure or bill proposed or pending before councils shall disclose the fact to the branch of which he is a member and shall not vote thereon. If such interested member shall vote without disclosing his interest in such measure or bill and the same be carried by his vote, such member shall forfeit his office.

SECTION 10. The councils shall prescribe by ordinance the number, duties, and compensation of the officers and employés of each branch thereof, and no payment shall be made from the city treasury or be in any way authorized to any except such officer or employé elected or appointed in pursuance of law.

SECTION 11. The councils shall fix by ordinance the salary to be paid out of the city treasury to the mayor, city treasurer, city controller, city solicitor, and to such other officers and agents as may be paid by salary before the election or time when the appointment shall be made, which salary shall not be increased or diminished during their respective terms of office.

ARTICLE IV.

LEGISLATION.

SECTION 1. All legislation by councils shall be by ordinance, and no ordinance shall be passed except by bill, and no bill shall be so altered or amended on its passage so as to change its original purpose.

SECTION 2. No bill shall be considered unless referred to a committee and returned therefrom.

SECTION 3. Every bill shall be read at length in each branch at least one day before its final passage.

SECTION 4. No bill shall become an ordinance unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same entered on the journal and a majority of the members elected to each council recorded as voting in its favor.

SECTION 5. No bill appropriating public moneys or imposing taxes or assessments shall be considered until at least two days after the same shall have been introduced.

SECTION 6. No ordinance shall be passed, except by a two-thirds vote of both councils and approved by the mayor, giving an extra compensation to any public officer, servant, employé, agent, or contractor after service shall have been rendered or contract made, nor providing for the payment of any claim against the city, without previous authority of law; and any officer drawing any warrant or passing any voucher for the same, or paying the same, shall be guilty of a misdemeanor, and, upon conviction thereof,

be punished by a fine not exceeding five thousand dollars and imprisonment not exceeding one year.

SECTION 7. All stationery, advertising, printing, paper, and fuel used in the councils and in other departments of the city government, and all work and materials required by the city, shall be furnished, and the printing and all other kinds of work to be done for the city, shall be performed under contract, to be given to the lowest responsible bidder, under such regulations as shall be prescribed by ordinance, and it shall be the duty of councils forthwith to enact such ordinance; no member or officer of councils, or any department of the city governments, shall be in any way interested in such contracts, directly or indirectly, either at its inception or during the progress of its fulfillment, or furnish any materials or supplies or labors for such contracts; and it shall be the duty of councils to enact the necessary appropriation ordinances for each year, between the first days of January and April, which ordinances shall specify, by items, the expenditure therein provided for, and every contract involving the expenditure of money shall designate the item of appropriation on which it is founded, and the liability of the city on such contracts shall be limited by the amounts appropriated therefor, and all contracts on behalf of the city shall be executed by the mayor thereof.

SECTION 8. All ordinances shall be passed pursuant to such rules and regulations as the councils may provide in accordance with this act, and all ordinances of the city may be proved by the certificate of the clerk under the seal of the city, and when printed and published in book or pamphlet form and purported to be published by authority of the city, shall be read and received in evidence in all courts and places without further proof. The same shall be published in one of the public newspapers in said city within fifteen days from and after the same have been severally passed, ordained, and established, and shall also be recorded in the office of the council, in a book provided for that purpose, within thirty days after the same shall have been so as aforesaid passed, ordained, and established.

SECTION 9. The councils shall assemble in their respective places of meeting, for the purpose of organization, at ten o'clock in the forenoon of the first Monday of April, in each year, and the mayors of such cities shall be inaugurated and take the official oath at twelve o'clock, noon, on the first Monday of April next after their election.

SECTION 10. In case of a tie vote for councilmen, the candidates so having a tie vote shall appear at the proper day when the council for which they were candidates is organized, and shall, in the presence of such council, determine by lot which of them shall become a member of the same, and the one in whose favor the lot shall determine shall be forthwith sworn in as councilman. But should one or either of such candidates absent himself on said day, then the one appearing shall be sworn in as councilman; but should both of said candidates absent themselves on said day, then a vacancy shall be declared by council, and a new election shall be ordered. And in like manner, in the presence of select council, shall be determined a tie vote in the election of mayor, treasurer, controller, alderman, constables, and assessors. A record of such proceedings shall be made and kept amongst the minutes of councils.

Article V.

THE EXECUTIVE POWER.

Section 1. The executive power of cities shall be vested in the mayor and in the departments authorized by this act.

Section 2. The mayor shall be the chief executive officer of the city. He shall be at least thirty years of age, and shall in other respects have the qualifications required of a member of select council.

Section 3. The mayor shall be chosen by a plurality of the votes cast at the municipal election and shall hold his office for the term of two years from the first Monday of April next ensuing his election and serve until his successor is duly elected and qualified; and whenever a vacancy in the office of mayor shall occur by death or otherwise, it shall be the duty of councils to meet in joint convention and elect *viva voce* a person to serve as mayor until the first Monday of April succeeding the next municipal election, at which time a mayor shall be elected for the term of two years.

Section 4. The mayor shall be *ex-officio* a justice of the peace within the city. It shall be his duty to be vigilant and active in causing the laws of this Commonwealth and the laws and ordinances of the said city to be executed and enforced therein, and, in order to enable him more effectually to preserve the peace and good order of the city, all the powers given to sheriffs of this Commonwealth to prevent routs, riots, and tumultuous assemblies are hereby conferred upon him. He shall also communicate to councils at the first stated meeting in the month of January of each year, and oftener if he shall deem expedient, the condition of the city in relation to its government, finances, and improvements, and shall recommend the adoption of all such measures as the business interests of the city may in his opinion require, and he shall pay all fees, fines, and penalties received by him into the city treasury monthly. The council shall fix the number of police, constables, and watchmen, and the mayor shall nominate, and by and with the advice and consent of the select council, appoint the said police, constables, and watchmen, and at his pleasure dismiss all or any of them, and in like manner all vacancies shall be filled. The police, constables, and watchmen shall obey the orders of the mayor and make report to him, which report shall be laid before the council by him whenever required, and he shall exercise a constant supervision and control over the conduct of the police, constables, and watchmen, receive and examine all complaints preferred against them in the discharge of their duties, and report the same to council, and the mayor shall be required to remove from office any police, constable, or watchman by him appointed upon a resolution to that effect being passed by two thirds of both branches of councils.

He shall nominate, and, by and with the advice and consent of select council, appoint one person as chief of police of said city, who shall be *ex-officio* a constable of the city, and shall have all the powers and privileges that are possessed by constables, and shall and may without warrant and upon view arrest any person guilty of breach of the peace, vagrancy, riotous conduct, or drunkenness, and shall forthwith bring him before the mayor or one of the aldermen of the city, there to be dealt with according to law.

Section 5. If any person shall think himself aggrieved by any judgment against him as defendant by the mayor, recorder, or any alderman of any of the said cities in any action, prosecution, or proceeding for any fines, penalties, or forfeitures imposed or enacted by or under any law or statute of this Commonwealth relative to the said city, or under any ordinance of such city, such person may, if the said judgment shall exceed the sum of

five dollars exclusive of costs, appeal from the said judgment to the court of common pleas of the county, in the manner and subject to the same requirements as is provided by law for appeals from justices of the peace, and may remove the same by *certiorari* into the said court in the same manner as now provided by law in cases before a justice of the peace.

SECTION 6. That all actions, prosecutions, complaints, and proceedings for violation of the laws or ordinances of said city, and for fines, penalties, and forfeitures imposed or enacted thereby, which shall be brought before the mayor, recorder, or any alderman of the said cities respectively, shall be instituted in the corporate name of the said city. Those which shall be brought for violation of the laws of the Commonwealth relating to the said city, or for fines, penalties, and forfeitures imposed and enacted thereby, shall be instituted in the name of the Commonwealth, or as prescribed by the said laws of the Commonwealth; and all other actions, prosecutions, complaints, and proceedings so brought for fines, penalties, or forfeitures imposed or enacted by the law or statutes of this Commonwealth shall be instituted and conducted as provided by law; and all warrants, writs, orders, and process in and concerning the said actions, prosecutions, complaints, and proceedings, or in and concerning any criminal prosecutions, complaint, case, or proceedings made and issued by the said mayor, recorder, or aldermen respectively, shall be made, directed, and issued to the chief of police, or to any of the police constables or other constables of the said city, who shall respectively serve, obey, and execute the same anywhere within the said city, or in the county of which it is part, or in any of the cities or counties of this State under the provisions of the acts of Assembly of this Commonwealth; or the same may be issued and served and executed anywhere in the said city and county by special constables or other persons as provided by law.

SECTION 7. The mayors of all such cities shall supervise the conduct of all city officers, examine the grounds of all reasonable complaints made against any of them, and cause all of their violations or neglect of duty to be promptly punished or reported to the proper tribunal for correction, and for the purpose aforesaid he is hereby empowered to issue subpœnas and compulsory process for the production of such persons, and such books and papers as he may deem necessary, and enforce obedience to such process by attachment and fine or imprisonment as fully as the court of common pleas may do in like cases.

SECTION 8. The mayor shall have and keep a docket, in which he shall enter or record, or cause to be entered or recorded, all acts, processes, judgments, orders, and proceedings by and before him in all actions, prosecutions, complaints, and proceedings before him as aforesaid, in the same manner as is required of the justices of the peace of this Commonwealth in their districts respectively. The said docket of the said mayor, and the entries and records therein and transcripts thereof, certified by the mayor, under his seal, shall be proved and be competent evidence for all purposes in the same manner as the docket entries, records, and transcripts of justices of the peace of this Commonwealth are, or may be, regarded to be proved, and are, or may be, competent evidence; which docket shall be turned over by the retiring mayor to his successor in office, and shall have entered in the margin thereof in every case the costs taxed therein, and by whom, and to whom paid.

Article VI.

CITY TREASURER AND TAXES.

Section 1. The qualified voters of each of said cities shall, on the third Tuesday in February succeeding the issuing of letters-patent to said city and on the third Tuesday in February in every second year thereafter, elect a city treasurer to serve for two years from the first Monday of April next succeeding such election and until his successor shall be duly elected and qualified, and he shall have the same qualifications as are required for the office of select councilman. The returns of said election shall be received and counted by the councils in convention on the Friday succeeding the election, and any vacancy in said office of treasurer shall be filled by the city councils in joint convention. He shall give a judgment bond to the city, conditioned for the faithful performance of his duties, in such amount as the city councils shall direct and with such sureties as shall be by them approved, and shall, before he enters upon his office, take and subscribe an oath or affirmation before the mayor to support the Constitution of the United States and of this Commonwealth, and honestly to keep an account of all public moneys and property entrusted to his care, and to discharge the duties of his office with fidelity. No money shall be drawn from the treasury of the city unless the same shall have been previously appropriated by councils to the purpose for which it is drawn. The accounts to be kept by the said treasurer shall exhibit all the receipts and all the expenditures of the city in an intelligible manner, in which the particulars of each item of charge and discharge shall fully and precisely appear, and separate accounts of the highway department and of the receipts and expenditures of the water department and gas or other department shall be kept. The said treasurer shall keep the public moneys in such place and manner as the city councils shall direct, and shall verify his cash account at least once in every month to the satisfaction of a standing committee of councils and of the city controller, and upon the affidavit of a majority of such committee and controller to any default therein the said treasurer may, by resolution passed by two thirds' vote of councils, be suspended from office and another appointed until the further action of councils be had. And the said treasurer, at the expiration of his term of office, shall deliver all moneys, books, and papers in his hands belonging to the said office to his successor in office. No money shall be paid out of the city treasury except upon appropriations made by law and on warrant drawn by the proper officer in pursuance thereof.

Section 2. The annual assessment for all taxes levied in said city shall be completed on or before the first day of April in each and every year, and upon the duplicates having been made as may be directed by the proper authorities, the same shall be placed in possession of the city treasurer on or before the first day of May in each and every year, who shall receive and collect said taxes. Upon all taxes in the several duplicates paid on or before such date as may be fixed by councils, which date shall be prior to the fifteenth day of June, or upon all taxes paid on or before the fifteenth day of June in each and every year, if councils shall not fix an earlier date, there shall be allowed an abatement of three per centum upon all taxes so paid from and after the date so fixed by councils, or from and after the fifteenth day of June in each and every year if councils shall not have fixed an earlier date, to and including the thirty-first day of August in each and every year. All taxes shall be paid in full on the first day of September

in each and every year; two per centum shall be added to all taxes remaining unpaid in the duplicates and on the first day of each and every month thereafter until payment; an additional sum of one per centum shall be added to all the taxes then remaining unpaid in the duplicates. On and after the first day of January in each year, the receiver of taxes shall have power, with consent of councils, to issue a warrant directed to any tax collector or person by councils appointed to proceed by levy and execution to collect delinquent taxes and the penalties attached thereto, or to take the body of the delinquent taxpayer as now authorized by law. The fees of the officer executing said warrant and collecting said tax shall be the same as now allowed constables on writs of execution for like amounts, to be paid by said delinquent taxpayer. And the said collectors of taxes shall settle the several duplicates and pay over the amounts thereof, deducting exonerations made by councils.

SECTION 3. After the first day of January in each and every year, the city treasurer shall place correct and detailed statement of taxes respectively due on real estate for the preceding year in the possession of the city solicitor, who shall cause the said taxes upon real estate remaining unpaid to be registered in the name of the city, if city taxes, and in the name of the proper school-district, if school taxes, and against the person or persons charged in the duplicates with the same; or if any property has been transferred upon which such tax has been assessed against the person or persons who may have become the owner or owners of property, in the office of the prothonotary of the proper county, who shall keep a separate book for that purpose, to be called city lien docket; and all taxes so registered shall be and continue to be liens from the date of the levy thereof on the real estate upon which they have been assessed; until paid, the prothonotary, shall be allowed and paid for each tax so registered a fee of twenty five cents, which shall form a part of the expenses, and shall be paid by the person from whom the tax is due and owing; he shall also, at all times on demand made within the hours during which the office shall be open for the transaction of business, make searches and furnish transcripts or extracts from the registry of taxes aforesaid, for which he shall be allowed the usual fees, to be paid by the party applying for the same.

SECTION 4. Recovery may be had on claims for said taxes, gas frontage tax, water frontage tax, gas rates, water rates, sewerage tax, piping, paving, repaving, curbing, or recurbing sidewalks, grading, macadamizing, or paving any public street, lane, alley, or parts thereof, and for assessments for damages and contributions lawfully made for opening thereof, and all other matters that may be the subject of claim registered in pursuance of this act and the laws and ordinances of each of said cities in the court of common pleas for the proper county, or before any magistrate having jurisdiction, by action of debt, to recover a general judgment against the debtor or debtors as now provided by law, or proceedings thereon may be had by *scire facias* as in the case of mechanics' claims, and the claims so registered shall be *prima facia* evidence of the amount thereof, and of the same being due and owing, and judgment shall be entered by default thereon unless the defendant or defendants shall file his, her, or their affidavits of the nature of his, her, or their defense as required in cases where the plaintiff has filed his copy of the cause of action in such court, and the judgment and process thereon shall be with like effect as in other cases: *Provided*, That reference being made to the number and term and docket to which such claims are registered, and the amount thereof in the *præcipe* instituting the suit, it shall not be necessary to file a copy of the same: *And*

provided further, That where any real estate, subject to such lien, shall have been conveyed and deed recorded after the levy of the tax sued for the then owner shall be included in the process, and if there be several owners or distinct portions of the premises, recovery shall be had under the same writ against their respective shares according to a just ratable proportion of the tax, cost, and expenses of collection; and if any such owner shall be omitted, he, she, or they may be brought in by a rule of the court on him, her, or them to show cause why he, she, or they shall not be made a party to such suit, and in proof of service thereof judgment may be entered against his, her, or their share by default of appearance or affidavit as aforesaid: *And provided further*, That no such apportionment shall affect the personal liability of the owner, at the time of the assessment, or register for the whole amount of the tax, interest, and cost, including the per centum commission for delay of payment.

SECTION 5. The councils of each of said cities, and the boards of school controllers therein, at the first stated meeting of their respective bodies in the month of September, annually, shall severally elect tax collectors to collect the city taxes, and school taxes, respectively, which remain unpaid upon the first day of January following; and said tax collectors shall, on delivery of the duplicate or duplicates to him or them, respectively, p oceed to collect the amount of such duplicate or duplicates from the persons therein respectively charged, for which purpose he or they shall have all the power and authority now provided by law for the collection of State and county taxes; and if any person shall neglect or refuse to make payment of the amount of tax due by him within twenty days from the time of demand made, it shall be the duty of the officer holding the duplicate, wherein such tax shall be charged to levy such amount by distress and sale of the goods and chattels of such delinquent, giving ten days' public notice of such sale by written or printed advertisements, and in case goods and chattels sufficient to satisfy the same, with the costs, cannot be found, such officer shall be authorized to take such delinquent and convey him to the prison of the proper county, there to remain until the amount of such tax, together with the costs and charges, shall be paid, or secured to be paid, or until he shall be otherwise discharged by the due course of law; but nothing herein contained shall prohibit the councils or any board having power from exonerating taxes for sufficient cause.

SECTION 6. Immediately after the county commissioners of the county in which any such city may be located shall have corrected the assessments of persons and property taxable in such city for county purposes, the city authorities shall cause the same to be copied into duplicates, and said assessments shall be taken as the assessments of persons and property in such city taxable for city and school purposes.

SECTION 7. Any such city may, by ordinance duly passed by two thirds of all the members elected to both branches of councils, and approved by the mayor, provide for the election of three assessors for such city, who shall be elected at the municipal election next following the adoption of such ordinance and the persons so elected; shall serve for the term of three years, and shall constitute a board of assessors, whose duty it shall be to assess persons and property in such city for city and school purposes only. The persons so elected, in the performance of their duties, shall act together, and shall make a full and complete valuation and assessment by wards of all taxable property of whatsoever kind in such city every third year, beginning with the last year of their term, and during the two years preceding; they shall so modify the assessments previously made as the change of

ownership and the improvements made in such property may require, and such assessments and modifications thereof shall be deemed and considered as the annual assessment for all city and school purposes under the provisions of this act. The assessors so elected shall be resident free-holders of such city, and shall be paid such salary or compensation for the performance of their official duties as shall be prescribed by ordinance.

Article VII.

CITY CONTROLLER.

Section 1. The qualified electors of each of said cities shall, on the third Tuesday in February succeeding the issuing of letters-patent thereto, and in every second year thereafter, elect a city controller to serve for the term of two years, from the first Monday of April next succeeding his election. He shall, before entering upon his office, take and subscribe an oath or affirmation before the mayor, faithfully to discharge the duties thereof. Vacancies in the office of city controller shall be filled in the same manner as herein provided for the filling of vacancies in the office of mayor.

Section 2. The city controller shall superintend the fiscal concerns of the city, and shall manage the same in the manner required by the laws of this State and the ordinances and resolutions of the city councils.

Section 3. He shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show, distinctly and separately, all the estate and property whatsoever real and personal vested in the city by law or otherwise, all trusts in the care of the same, all debts due to and owing by the city, all the receipts and expenditures in the various departments of the city, and all appropriations made by the city councils, and the sum expended under the same, respectively.

Section 4. He shall, from time to time, and as often as he may deem necessary, or the city councils shall direct, suggest plans to the councils for the improvement and management of the city finances.

Section 5. He shall have the supervision and control of the fiscal concerns of all departments, bureaus, and officers of the city and school-district, who shall collect, receive, or disburse the public moneys, or who are charged with the management or custody thereof, and may, at any time, require from any or all of them an account in writing of any and all moneys or property of the city in their hands or under their control; and he shall immediately, upon the discovery of any default, irregularity, or delinquency, report the same to the city councils and the board of school controllers.

Section 6. He shall countersign all warrants on the city treasurer, and shall not suffer any appropriation made by the city councils or school-board to be overdrawn. Every case in which an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report to the city councils, and accompany such report with a statement of the moneys which have been drawn on such appropriation, and the particular purpose for which they were drawn; whenever a warrant on the city shall be presented to him to be countersigned, the person presenting the same shall, if the controller require, produce evidence.

I. That the amount expressed in the warrant is due to the person in whose favor it is drawn.

II. That the supplies or the services for payment of which the warrant is drawn have been furnished or performed.

III. He shall have authority to administer oaths or affirmations in verifications of demand made for his signature, but shall not be entitled to receive fee therefor.

SECTION 7. He shall scrutinize, audit, and settle all accounts whatever, in which the city is concerned, either as debtor or creditor, where provision for the settlement thereof is made by law; and where no such provision or an insufficient provision has been made, he shall examine such accounts and report to the city councils or the school-board the facts relating thereto, with his opinion thereon.

SECTION 8. He shall make a report, verified by oath or affirmation, to the city councils at their first stated meeting in January in each year, of the public accounts of the city, the school-board, and of the trusts in their care, exhibiting all the expenditures of the city and of the school-board, the sources from which the revenue and funds are derived, and in what manner the same have been disbursed, each account to be accompanied by a statement in detail, in separate columns, of the several appropriations made by councils, the amount drawn on each appropriation, and the balance standing to the debit or credit of such appropriation and councils shall cause to be published in each year, in the month of January, a statement of receipts and expenditures of the city for the past year, with a statement of its liabilities, permanent and temporary, and a schedule of its assets, which statement shall be published in two newspapers in such city, of different political complexion, for three successive issues.

SECTION 9. He shall be paid a fixed yearly salary, to be provided by ordinance, which shall not be increased or diminished during his term of office. He shall give bond in such sum as may be required by councils for the faithful performance of his duties. In cities accepting the provisions of this act, the office of city auditor is hereby abolished.

ARTICLE VIII.

CITY SOLICITOR.

SECTION 1. The select and common councils of each of said cities shall, on the first Monday in April next succeeding the issuing of letters patent to the said city, or its acceptance of this statute, and biennially thereafter, elect one person learned in the law, who shall be styled the city solicitor.

SECTION 2. He shall hold his office for two years, and until his successor is qualified. He shall keep his office within said city, and therein shall be deposited and preserved all patents, deeds, wills, leases, mortgages, and other assurances of title, together with all contracts, bonds, notes, official bonds, books, and other evidences of debt belonging to said city, unless the city council shall provide some other place, or otherwise direct, and all other papers which the city councils may direct.

SECTION 3. The law matters of each of said cities shall be under the superintendence, direction, and control of the city solicitor. He shall give bond to the corporation, with two or more sureties, to be approved by the select council, in the sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, as the same are or shall be defined by any act of Assembly or ordinance of the city.

SECTION 4. He shall prepare all bonds, obligations, contracts, leases, conveyances, and assurances which may be required of him by any ordinance of the corporation of the city, to commence and prosecute all and every suit and suits, action and actions brought and to be brought by the corporation, for or on account of any of the estate, rights, trusts, privileges, claims,

or demands of the same, as well as to defend all actions or suits brought or to be brought against the said corporation, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or acts of the corporation, or any branch thereof, may be brought in question before any court in this Commonwealth, and shall do all and every professional act incident to the office which may be required of him by the mayor of the said city, or by any committee of the select and common councils, or by any ordinance or resolution of the said councils, or either of them.

SECTION 5. He shall, when required, furnish the said councils or committees thereof, the head of any department, and the mayor with his written opinion on any subject which may be submitted by them, or either of them.

SECTION 6. He shall, at least once in every month, make a return to the city controller under oath or affirmation, of each item of moneys received by or through him, or his assistants, by virtue of his office, or for any matter connected therewith, and immediately upon making such return pay the amount in his hands to the city or school treasurer.

SECTION 7. There shall be kept in his office a lien docket, in which, in appropriate volumes, shall be entered all claims for curbing, paving sidewalks, assessment of damages, and contributions for opening public streets, lanes, and alleys, or parts thereof, for paving, grading, and macadamizing the same; for water and gas frontage tax, and water and gas rates, and sewerage, and all other matters that may be the subject of claim on the part of the city which have been or shall be returned to the solicitor by the various departments, as remaining due and unpaid after the period prescribed by ordinance for the payment of such claims to the said departments; and it shall be the duty of the head of each department wherein any such claims shall originate to furnish to the solicitor within the period described by law or ordinance, a statement of all claims for curbing, paving, et cetera, which remains due or unpaid, a certified copy of which the said heads of departments shall at the same time furnish to the controllers, which docket shall at all times be open to the inspection of the public.

SECTION 8. The city solicitor shall receive a fixed annual salary, and all fees received by him in his official capacity shall be paid into the city treasury monthly as hereinbefore provided.

ARTICLE IX.

BOARD OF HEALTH.

SECTION 1. The city councils of any such city shall have power to create a board of health as hereinafter provided, and confer upon it any of the following powers.

SECTION 2. The board of health shall be composed of five members, and shall be constituted as follows: The mayor of such city, who shall be president *ex-officio*, and four to be appointed by council; the term of office of said members shall be two years, except that those first appointed shall be classified by councils as follows: Two to serve for two years, and two to serve for one year, so that their terms shall expire in one and two years. The members of said board shall serve without compensation. The mayor shall call the first meeting, and organize the board of health by taking the chair as president.

SECTION 3. A majority of the whole number of members shall be a quorum; they shall have power to appoint a health officer, a clerk, as many ward and district physicians as they may deem necessary for the proper care of the sick poor, and such other persons as are needful. And to define

their duties and salaries before their appointment. All such appointees shall serve during the pleasure of the board. All fees received by them in their official capacity shall be paid into the city treasury monthly.

SECTION 4. Councils may grant such board power to abate and remove all and every nuisance in such city, and assess the costs and expense of the same upon the property; which assessment, when duly certified by the president of the board to the city solicitor, shall become a lien, to be collected the same as any other tax in favor of such city, and for compelling the proprietors, or owners, agents, or assignees, occupants, or tenants of the lot, or property, house, or building upon or in which the same may be, to abate and remove the same, to regulate the construction, arrangement of water-closets, privy vaults; also the emptying and cleaning of such vaults, to create a complete and accurate system of registration of marriages, births, deaths, and interments occurring in or near such city for purposes of legal and genealogical investigation, and to furnish facts for statistical, scientific, and particularly for sanitary inquiries when complaint is made, or reasonable belief exists, that an infectious or contagious disease prevails in any locality or house, to visit such locality, or house make all necessary investigations by inspection, and on discovering that such infectious or contagious diseases exist, to send the person or persons so diseased to the pest-house or hospital. The council may grant power to make and pass all such orders and regulations as they shall from time to time deem necessary and proper for the public health and prevention of diseases. Said orders and regulations, when adopted, shall have all the force and effect of ordinances of such city.

SECTION 5. Whenever any building, erection, excavation, premises, business, pursuit, matter, or thing, or the sewerage, drainage, or ventilation thereof in the opinion of said board of health, whether in whole or in part, be in a condition or in effect dangerous to life and health, the said board may declare the same to the extent it may specify as a public nuisance or dangerous to life and health, and the said board may order the same to be removed, abated, and suspended, altered or otherwise improved or purified as said order shall specify, and shall cause said order, before its execution, to be served on the owner, agent, occupant, or tenant thereof, or some of them: *Provided*, Said parties or any of them are in such city, and can be found; and if the party so served shall, before its execution is commenced, apply to said board to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order, and to give to such party or parties together as the case, in the opinion of the board, may require a reasonable and fair opportunity to be heard before said board, and to present proofs and facts against said declaration and the execution of said order, or in favor of its modification, and the board shall enter upon its minutes such facts and proofs as it may receive, and its proceedings upon such hearing, and thereafter may rescind, modify, or re-affirm its said declaration and order, and require execution of said original or of a new or modified order, to be made in such form and effect as it may finally determine.

SECTION 6. The mayor shall have power, and it shall be his duty, to detail from the regular police force of such city, or to make new appointments, for the purpose whenever, in the opinion of the board of health, the public health and sanitary condition of such city may require; such policemen, when so detailed, or when appointed, shall be known as the "sanitary police." The number comprising the sanitary police to be determined by the board of health, according to the exigencies of the circumstances; the said sanitary

police shall be subject to the exclusive direction and control of said board, for the enforcement of proper sanitary measures, and for the promotion of the public health; whenever, in the opinion of the board of health, the services of the sanitary police are no longer required, the sanitary condition of the city being clearly such as to render their longer continuance on said duty entirely unnecessary, they shall, on recommendation of the board of health, be returned to duty as regular policemen, or be dismissed as the mayor may direct, but no permanent increase of the police force shall be made without the consent of councils by ordinance duly enacted.

SECTION 7. Said board may take measures, and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of such city, as in its opinion the protection of the public health may require, and during the prevalence of any epidemic disease may provide temporary hospitals for such purposes.

SECTION 8. It shall be the duty of said board, on or before the first Monday of January, in each year, to make a report in writing, to the city council of such city, upon the sanitary condition and prospects of such city; and such report shall set forth generally the statistics of deaths, the action of said board, and of its officers and agents, and the names thereof, for the past year, and may contain other useful information, and shall suggest any further legislative action, deemed proper for the better protection of life and health.

SECTION 9. Whoever shall violate any provision of this act, or any order of said board of health, made under authority of the same, or of any law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board of health, or willfully and illegally omit to obey any such order, shall be guilty of a misdemeanor, and, on conviction, shall be subject to fine and imprisonment, or both, at the discretion of the court. Such fine shall not exceed one hundred dollars, and such imprisonment not exceed ninety days, and all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanors within such city; and any person, or corporation, or body, which may have done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof, to punishment for a misdemeanor, shall, in addition thereto, be subject to a pecuniary liability, in the nature of a fine, in an amount not to exceed one hundred dollars, as any court of record or any alderman or magistrate may decide.

SECTION 10. Where expenses shall be incurred by the board of health under the provisions of this act, it shall be the duty of the city councils, upon application and certificate from said board of health, to pass the necessary appropriating ordinances, to pay the expenses so incurred and certified.

SECTION 11. The proceedings of the board shall be public, and its journal of proceedings open to any taxpayer.

ARTICLE X.

WATER DEPARTMENT.

SECTION 1. The city councils, in addition to the powers hereinbefore conferred for the purposes of gas and water supply, and in order to effect the

same more fully, shall have the right, and they are hereby empowered and authorized to purchase, for such price or prices as they may agree upon, all the real, personal, and mixed estate, rights, privileges, and franchises, of any water or gas company or companies in such city, or convenient thereto, already in existence and operation, and to receive a deed or deeds of conveyance of the same to the city; and thereafter the said city and councils thereof shall possess and exercise all the rights, privileges, and franchises by law; belonging, or to such company or companies pertaining not inconsistent with the laws of the land and also to take, occupy, and enjoy any stream or streams, spring or springs of water, in, near, or accessible to any of said cities that they may deem necessary to carry out the objects and purposes of this act, or any lands to which such stream or streams, may be appurtenant, and all such lands, tenements, hereditaments, property, franchises, estate, real and personal, and materials as shall be necessary to them in the erection, construction, maintenance, and repairing of water and gas works, or either, and for the supplying of any of said cities with gas or water, with full power to hold the same, for the purposes above mentioned, and also by themselves, their agents, artisans, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, and beasts of burden, or draft, from time to time, and at all times hereinafter, to enter into and upon such lands or inclosures, streets, lanes, alleys, roads, or highways, as they may deem necessary to hold, occupy, and use for the purpose of procuring materials, and for the purposes aforesaid, avoiding unnecessary injury or obstruction to said streets, lanes, alleys, roads, or highways, and doing as little damage as possible to property, and making compensation to the owner or owners of all species of property taken, used, or appropriated by them for the purpose of this act, as herein provided for.

Section 2. Any city erecting or purchasing water or gas works under the provisions of this act, shall and they are hereby required, to constitute a department, to be called the water and gas department; and for the better government and management of the same, said city shall, in its corporate capacity, and is hereby authorized and empowered, to divide such city into four districts for the election of commissioners, which districts shall be numbered one, two, three, and four; one commissioner to be chosen from each district, of which such commissioner shall be a resident at the time of his election.

Section 3. That the councils of such city shall meet in joint convention and elect one person from each district in which the same is divided, as aforesaid; and being a citizen of said city, but not a member of said councils, nor a person holding any city office whatsoever, and the persons so elected shall be styled commissioners of water and gas; each member of councils at said first election shall vote for two commissioners, and the four persons having the highest number of votes shall be declared elected; one of said commissioners so elected, being one of the two highest in the number of votes cast, and one of said commissioners being one of the two lowest in the number of votes cast, shall hold office for the period of four years, or until their successors are appointed, to be computed from the first Monday of April succeeding the city election; and the other two so elected shall hold office for the period of two years, or until their successors are appointed, to be computed from the same time. The choice between the highest and lowest at the first election for the long term shall be determined by lot; and thereafter, every two years, there shall be elected, in joint convention of councils, on the first Monday of April succeeding

the city election, two commissioners of water and gas, qualified as aforesaid, each member of councils to vote for only one commissioner, who shall not be a member of councils, and the two persons receiving the highest number of votes shall be declared duly elected for the period of four years, or until their successors are appointed, from the date of their election, and no compensation shall be received by said board for their service.

SECTION 4. Whenever a vacancy shall occur in said board of commissioners by death, resignation, removal from office, or removal from the district for which he was elected, or otherwise, such vacancy shall be filled by the councils in joint convention at their next regular meeting, and the person so chosen to fill the vacancy shall serve for the unexpired term of the commissioner whose place is vacated; and said commissioners shall be duly sworn or affirmed on entering upon the duties of their office to execute the same with fidelity.

SECTION 5. It shall be the duty of the said commissioners to take charge of the water and gas department of such city, and, by their sole authority, to employ and dismiss at pleasure a superintendent and clerks, who shall be secretary of the board, whose compensation shall be fixed by the select and common councils in accordance with law, and to employ such laborers, mechanics, and workmen as they may deem necessary for the economical administration of said department, to purchase such materials as may be required for keeping said water and gas works in good repair, but not for the construction of new works, without the consent and direction of the councils. They shall have charge and control of all extensions of the water and gas into districts of the city now supplied, or to be supplied, and of all construction and reconstruction of the water and gas works, enlargements, reservoirs, apparatus, placing and replacing of pipes, mains, conduits, and enlargements of reservoirs, and excavations of new reservoirs, conducting new springs and streams of water into the reservoirs, and of all and every thing appertaining to the good management of the water and gas works as they may be made by the city councils, and to do and perform such other duties as may be imposed upon them by councils, relating to the management of said water and gas department in accordance with law.

SECTION 6. And the said commissioners shall, whenever called upon by councils, make and submit to them full estimates of the costs, charges, and expense of any new work, enlargement, extension of water and gas supply, or alteration, which councils may contemplate making relative to said works, and said board may at any time submit to councils at a stated meeting any suggestions and estimates they may see proper to make, touching the improvements, extension of water or gas supply, or enlargement of said works, but no new works of construction, reconstruction, extension, supply of water or gas, or enlargement of said works shall be undertaken by said commissioners without the consent of councils being first had and obtained.

SECTION 7. Whenever an extension of a supply of water or gas to portions of the city not supplied shall be made by the commissioners, the said commissioners shall make out a full statement of the number of feet of main pipes laid or extended throughout any of the streets of the city in which main pipes were not laid before the said extension, and shall file the same in the department, and it shall be the duty of the clerk of said department forthwith, on receipt of said statement, to make out a list of all the owners of houses, lots, and buildings on each side of the said streets through which said water or gas pipes are extended, and to charge said owners thereof, and each of them for each and every house, lot, or building so situated in said streets at such rates per foot, as city councils may by ordinance

fix of said mains extending along the front of their respective houses, lots, and buildings.

SECTION 8. Said charge shall be called the frontage water or gas tax, as the case may be, and shall be collected as city taxes are directed by this act to be collected, shall be subject to the same additional per centum for non-payment, and if not paid within the time hereinbefore limited for the collection of city taxes on real estate, the same shall be registered in the proper office, by the city solicitor in the city lien docket, in the name of the city, against the person or persons charged with the same, or if any property has been transferred after being made chargeable with such frontage tax against the owner or owners thereof in the manner provided by this act for the registering of unpaid city and school taxes on real estate, with like force and effect as to lien against such property subject to the like charges and fee for registration, search, and transcript by the prothonotary, and subject in all respects to like mode of procedure and remedy for recovery of the same.

SECTION 9. Whenever the said board of commissioners shall be equally divided in the determination of any question which may arise in their board touching the management of said works, the casting vote shall be given by the mayor of the city.

SECTION 10. The said commissioners shall have the power, by and with the approval of councils, to fix the water and gas rates, and the quantity to be used, and for that purpose they shall, on the first Monday in January in each and every year, establish the rates of the current year, which rates shall be submitted by them to councils for their approval; and, when approved, such rates shall not be changed for and during the year; but if not approved, then the existing rates shall continue until modified by the commissioners, with the approval of councils.

SECTION 11. The city councils shall have power to increase, enlarge, and reconstruct any water or gas works; they may purchase and construct new works, furnish new supplies of water for the reservoirs, and to do all and everything that may be necessary for keeping the city at all times well supplied with good and wholesome water and pure illuminating gas.

SECTION 12. The said commissioners shall annually, on the first Monday of January in each and every year, report to the city councils a full statement of all the repairs, alterations, reconstructions, new constructions, expenditures, and everything relating to the management and cost to the city of maintaining the said works, and the treasurer of the city shall keep his accounts in such manner as to show his monthly reports distinctly and separately; the entire amounts of revenue realized during said month, from the water and gas departments of said city, respectively.

SECTION 13. The said city councils shall pass such rules, regulations, and ordinances from time to time as may be necessary for carrying out the provisions of this act: *Provided*, The same shall not be inconsistent with the Constitution or laws of this Commonwealth or this act, and they may impose fines and penalties for all violations of the laws, ordinances, rules, and regulations so established, recoverable as other fines and penalties are now imposed and recovered under the provisions of this act: *Provided*, That no penalty for any one offense committed against such laws, ordinances, rules, and regulations shall exceed the sum of one hundred dollars.

SECTION 14. The city councils shall provide by ordinance for the collection, by the city treasurer, of all the water and gas rates that may accrue from time to time to the said city, for the use of the water and gas, fixing the time when such rates shall be paid and the penalties for non payment

thereof; and such rates shall be charged to the respective owners of the real estate on which such water or gas is used, or their heirs or assigns, and if the same shall not be paid for in accordance with the provisions of the said ordinance, claims for same shall be registered in the city lien docket, in the same manner as is hereinbefore provided, in the case of unpaid city and school taxes on real estate, with like force and effect as to lien against such property, subject to like charges and fees for registration, search, and transcript by prothonotary, and subject in all respects to like mode of procedure and remedy, for recovery of the same, against said property, or any part thereof, and the owner or owners thereof, and their assigns.

SECTION 15. That whenever any pipes or conveyances of water or gas shall be laid in any of the streets or highways within such city, the owners of the ground in front whereof the same shall be laid shall pay for the expenses thereof such sum for each foot of the front of their ground upon such street as city council by ordinance may ordain: *Provided*, That in all corner lots an allowance shall be made of one-third the length of their front; but such allowance shall be always and only on the street or highway having the longest front, and in case both fronts are of equal dimensions, the allowance shall be made in the street in which the pipe shall be last laid, but in no case shall the allowance exceed sixty feet on any corner lot: *And provided always*, That when a corner lot shall have erected upon it two or more separate tenements, there shall only be an allowance made equal to one third of the depth of the corner tenement and the yard adjoining: *And provided further*, That the provisions of this clause shall not apply to any lot or piece of ground in such city upon which there may be a supply of water obtained from a spring or well, but if at any time two owners of such lots or pieces of ground shall desire to obtain a supply of water from the works of such city, then, and in that case, provisions of this section shall first be fully complied with and performed.

SECTION 16. The revenues derived from the department of water and gas shall be applied only to the purposes of said departments, respectively, and the surplus, if any, to the reduction of the debt or debts contracted by the city for each of said departments.

ARTICLE XI.

SEWERAGE AND STREETS.

SECTION 1. The city councils may provide by ordinance for the division of said city into sewer districts, and may direct the city engineer to make an estimate of the costs and expenses of constructing any main sewer, or reconstructing the same, and to report to the councils what portion of said costs and expenses is required for main sewerage, and what portion of the same is required for local sewerage, for any lots and lands, to which any portion of such main sewer, to be designated by the council, shall serve as a local sewer; and it shall be lawful for the city councils to cause sewers to be built without petition therefor, and to provide for assessing the costs and expenses of main sewerage upon the lots and lands within the sewer district, where the work is to be done according to the valuation of the same on the city duplicate, or according to benefits, as they shall determine by ordinance in each case; and to provide for assessing the expenses of local sewerage upon the feet front of lots and lands, by or through which such portion of any main sewer shall pass, according to the valuation of the same upon the duplicate aforesaid, or in proportion to the benefits upon lots and

lands benefited by the local sewerage aforesaid, as they shall determine by ordinance in each case and if they determine to make an assessment for main or local sewerage, they shall appoint three disinterested citizens who, or a majority of them, shall assess the estimated expenses of such main sewerage on all the lots and lands in the sewer district wherein the sewer is to be constructed or reconstructed, in proportion to benefits, and the estimated expenses of such local sewerage on such lots and lands as will, in their opinion, be benefited thereby, whether fronting on the public ground in which the sewer is to be constructed or reconstructed or not, in proportion, as nearly as may be, to the benefits which may result to each lot or parcel of land. Said assessors, or a majority of them, shall, within thirty days after their appointment, make report in writing, specifying the amounts assessed by them upon each lot or parcel of land for main or local sewerage separately, and file the same with the city clerk within such time as the councils shall direct. After the report is filed, the council shall cause not less than ten days' notice to be given in two newspapers of the city, the object of such assessments, and that the same will come before the confirmation at the time to be specified in such notice. Objections to the assessments shall be in writing and filed with the city clerk, and objections may be heard before the city councils at the time specified in the notice. The council may set aside such assessments, or they may, after hearing objections, confirm the same. If the council set the first or any other assessment aside, they may appoint other assessors of the same qualifications as hereinbefore provided, cause new assessments to be made, and the proceedings shall be the same as is provided for in the first assessment; but not more than two views or assessments shall be made in any one year. After making any assessment for main or local sewerage according to valuation, or for local sewerage according to feet front, or after the confirmation of any assessment for main or local sewerage made according to benefits, the council may order such percentage of the assessment for main sewerage as may be necessary, to pay the estimated costs and expenses of main sewerage, for such portion of any main sewer as the council shall have determined to construct or reconstruct, together with the total assessment for local sewerage; for such portion of any main sewer, or the assessment aforesaid by valuation or feet front to be certified to the city solicitor and collected as other taxes are collected, and such assessments shall be called sewerage tax and claims, for same shall be registered in city lien docket as unpaid. School and city taxes on real estate are by this act directed to be registered, and the same shall be, from the time of such assessment, liens on such lots and lands in the hands or possession of the owner or owners thereof, their heirs and assigns, the same as other city taxes and subject to the same penalties, if delinquent; and it shall be lawful for the city councils to cause said assessments to be collected before the work is contracted for.

Section 2. It shall be lawful for the city council of any such city to provide by ordinance for the construction, in any street or public highway within such city, of all such proper house connections and branches leading into all main or branch sewers or connecting with gas, water, steam, or other pipes in said streets or highways, as councils may deem necessary: *Provided*, That in no case except as a sanitary measure, of which councils shall judge, shall they require said house connections to be extended further from such sewers, or from such gas, water, steam, or other pipes than to the inner line of the curb-stone of such street or highway. Councils may provide for the assessment of the cost and expense of such connections upon the lots or parcels of land for the accommodation of which such connecting

branches and pipes may be constructed, or may collect the same from the owner or owners of such lot or lots, or parcels of land, by action of debt or from the person or persons, company or companies, or corporation or corporations owning, or controlling such gas, water, steam, or other pipes; councils may also notify such owners to make such connections within a time by such councils fixed, and in default of compliance with such notice, cause the said connection to be made, and collect the costs thereof from the parties owning or controlling such gas, water, steam, or other pipes, and in addition ion to the costs thereof collect, a penalty of twenty-five per centum of such osts.

SECTION 3. The councils shall not pass any ordinance authorizing the grading or paving of any avenue, street, or alley, or the construction of any sewer or bridge before they have caused the city engineer to make an estimate of the total cost of such improvement, particularly stating the items, and the cost of each, and a map or plan of all the property liable to assessments for the cost of the same; and also caused the board of viewers, or other officers upon whom the duty may by law be imposed, to view the property, included in the map or plan of the property liable to such assessment, and make a schedule showing the total cash value of the same as nearly as can be ascertained, and the amount each property-owner will be liable to pay for such improvement; which estimate, map, or plan, and schedule shall be attached to the ordinance before its passage, and shall remain on file in the proper office for the benefit of all persons interested.

SECTION 4. When any of the improvements above provided for shall have been ordered, the city council shall pass an ordinance assessing the cost, or the proper proportion thereof, as reported by the viewers, agreeably to direction of councils, upon the lots or parcels of ground for the accommodation of which such improvements were ordered, and said ordinance shall declare the time within which said assessments shall be paid into the city treasury, or to the person or persons entitled to receive the same under any contract with the city, as the case may be, and if the amount so assessed be not paid within such time, interest at the rate of six per centum may be demanded and collected; said assessment shall be binding on the owner or owners of such lots or parcels of land personally, and shall also be a lien upon such lots or parcels of land, or against any owner or owners, or any person or persons claiming any interest whatever therein; and the amount thus assessed, together with the interest and a penalty of five per centum, may be recovered by suit before an alderman or other court of competent jurisdiction, against such owner or owners in the name of such city, or in the name of any person or persons who shall, under any contract with said city, be entitled to demand the same, and such lien may be enforced by *scire facias* or other proceedings in any court of the county having jurisdiction in similar cases; and any of said courts shall have and take jurisdiction of any of such proceedings or actions, and proceed as in other cases.

SECTION 5. That the municipal authorities and courts having jurisdiction in any city shall have exclusive control and direction of the opening, widening, narrowing, vacating, and changing grades of all streets, alleys, and highways within the limits of such city, and may open or widen streets of such width as may be deemed necessary by such city authorities, and court proceedings to be had in such cases as are now required by law. Streets commenced under any special authority shall be completed, unless otherwise decided by councils.

SECTION 6. That in all cases in which, under the provisions of this act, either in the opening or widening of streets, or in the erection of water-works,

gas-works, or public buildings, or for any other purpose whatsoever, lands, property, materials, or franchises are required to be taken by any of said cities for public purposes, and the said city cannot agree with the owner or owners thereof for the compensation proper for the damage done, or likely to be done to, or sustained by, any such owner or owners of such lands or materials which said city may enter upon, use, or take away in pursuance of the authority herein given, or by reason of the absence or legal incapacity of any such owner or owners. No such compensation can be agreed upon, the court of common pleas of the proper county, on application thereto by petition, either by said city, or owner, or owners, or any one in behalf of either, shall appoint five discreet and disinterested citizens of the city, and appoint a time, not less than twenty nor more than thirty days thereafter, for said viewers to meet at or upon the premises where the damages are alleged to be sustained, or the property taken; of which time and place ten days' notice shall be given by the petitioner to the said viewers and the other party; and the said viewers, or any four of them, having been first duly sworn or affirmed, faithfully, justly, and impartially to decide and true report to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act; and having viewed the premises, or examined and considered the property, materials, or franchises, they shall estimate and determine the quantity, quality, and value of said lands so taken or occupied, or to be taken or occupied, or the property, franchises, and materials so used or taken away, as the case may be, and having a due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result, to the owner or owners of said land or property, franchises, and materials in consequence of the making the improvements, or opening of said streets or widening the same; and if the construction of public works or improvements for which the property, franchises, or materials is to be taken; and after having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine their value, and whether any, and, if any, what amount of damages has been or may be sustained, and to whom payable, and make report thereof to the said court; and if any damages be awarded and the report confirmed by the said court; judgment shall be entered thereon, and if the amount thereof be not paid within thirty days after the entry of such judgment, execution may then issue thereon as in other cases of debt so awarded, and the costs and expenses incurred shall be defrayed by the said city; and each of the said viewers shall be entitled to one dollar and fifty cents per day for every day necessarily employed in the performance of the duties herein prescribed to be paid by such city.

Section 7. That whenever it shall become necessary, in the progress of the building improvements of any of said cities, to grade, curb, bridge, culvert, or pave any of the highways used as turnpike and plank roads, it shall be lawful for councils to agree for the relinquishment of such parts thereof as may be required from time to time; and if the parties cannot agree, to obtain a jury of a view upon such parts to assess the damage the company owning the franchises may sustain by the city using the same for said purposes.

Section 8. In all cases where the parties cannot agree upon the amount of damages claimed, or by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made either for land, water, water-rights, spring or springs, stream or streams, franchises, materials, or other property, the city shall tender a bond, with at least two sufficient

sureties, to the party claiming or entitled to any damages, or to the attorney or agent of any person absent, or the agent or other officer of a corporation, or to the guardian or committee of any one under legal incapacity, the condition of which shall be that the said city will pay, or cause to be paid, such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon by the parties, or assessed in the manner provided for by this act: *Provided*, That in case the party or parties claiming damages refuse or do not accept the bond as tendered, the said city shall then give the party, his or their agent, attorney, or other officer, a written notice of the time when the same will be presented for filing in court; and thereafter the said city may present said bond to the court of common pleas of the county where the lands, property, franchises, water or materials are situated, and if approved, the bond shall be filed in said court for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed, if the same be not paid or cannot be made by execution on the judgment in the issue formed to try the question.

SECTION 9. The viewers provided for in the foregoing sections of this act may be appointed before or after the entry, taking, or appropriation of any property, materials, or franchises for constructing said improvements or taking materials therefor; and upon the report of said viewers, or any three of them, being filed in said court, either party, within thirty days thereafter, may file his, her, or their appeal from said report to said court. After such appeal, either party may put the cause at issue in the form directed by said court, and the same shall then be tried by said court and a jury, and after final judgment, either party may have a writ of error thereto from the Supreme Court in the manner prescribed in other cases. The said court shall have power to order what notices shall be given connected with any part of the proceedings, and may make all such orders connected with the same as may be deemed requisite; if any exceptions be filed with any appeal to the proceedings, they shall be speedily disposed of, and if allowed, a new view shall be ordered; and if disallowed, the appeal shall proceed as before provided.

ARTICLE XII.

GENERAL PROVISIONS.

SECTION 1. Wards in cities may be divided, or new wards therein created, by the court of quarter sessions of the proper county, on application thereto for that purpose, by the petition of at least one hundred qualified electors thereof, or of the councils of said city; and upon such petition praying for a division of a ward, or for the erection of a new ward out of parts of two or more wards, the said court shall appoint six impartial men to inquire into the propriety of granting the prayer of councils; and it shall be the duty of the commissioners so appointed, or any four of them, to examine the premises, to make a draft of the ward to be divided, showing the division thereof, or of the new ward proposed to be created, as the case may be, and they shall make report thereof to the said court of quarter sessions at its next term, together with their opinion of the same, and at the term after that, at which the report shall be made, the court shall take such order thereupon as to them shall appear just and reasonable. If the commissioners report favorably to such division or creation, the court shall order a vote of the qualified electors to be taken on the question of a division thereof, and shall appoint an election, to be held on the day of the municipal or general election, when the election officers of the ward or wards proposed

to be divided shall hold such election at the places and in the manner provided by law for the regulation of municipal elections. It shall be the duty of the mayor of such city to give at least fifteen days' notice by advertisement in at least two newspapers, if so many be printed in said city, and by hand-bills, posted in the most public places in said ward or wards, that such an election will be held, and of the time and place of holding the same. The judges and inspectors of election of said ward or wards shall receive from the electors thereof written or printed tickets, having on the outside the word "division," and on the inside the words "against division," or "for division," and deposit the same in a box to be provided for that purpose. The officers of such election shall count the said tickets in the manner prescribed by law, and shall forthwith make out a return showing the number of votes for and against a division, and shall deliver the same to the clerk of the court of quarter session of the proper county, within three days, and the said court shall record the same, and lay the return before the court at its then next sessions. If it appear that a majority of the votes so taken are for a division, the said court shall thereupon order and decree a division of the said ward or wards, agreeably to the lines marked out and returned by the commissioners, and shall number the new wards, and shall cause a certified copy of the whole proceedings to be placed of record among the minutes of council. If a majority of votes have been against a division, no further action shall be had upon such proceedings, nor shall any new application for a division of said ward or wards be heard for three years from the date of such election.

Section 2. For election purposes, any ward may be divided into two or more election districts in the same manner as townships are divided for the same purpose under the laws now in force.

Section 3. Each of the wards of said cities shall be entitled to elect one alderman, whose term of office shall be five years, who shall have all the powers and jurisdiction of a justice of the peace, and said alderman shall be elected at the municipal election next preceding the expiration of the commission of the alderman resident in each ward; and if there be one or more justice or justices of the peace in the district out of which any ward shall be created, then an alderman shall be elected at the municipal election next preceding the expiration of the term of the justice of the peace whose commission shall first expire, and no successor shall be elected to any justice of the peace whose commission shall thereafter expire.

Section 4. Each ward shall be entitled to elect one constable and one assessor, who shall have all the privileges and powers, and be liable to all the penalties now by law vested in or imposed upon such officers, and the voters of each election district in said cities shall annually, at the municipal election, elect the proper election officers therein as provided by law; and in case of any vacancy in any of said offices in such election district, for the first election under the city charter, the court of quarter sessions of the county shall fill such vacancy.

Section 5. That as often as any doubt shall arise touching the construction of this act, the same shall, in all courts of law and equity and elsewhere, be construed and taken most favorably for the said cities which may accept the provisions hereof.

Article XIII.

NEW CHARTERS.

Section 1. Any city of the fourth class heretofore incorporated, and any

such city which may have heretofore accepted the provisions of the act of Assembly approved May twenty-three, one thousand eight hundred and seventy-four, and the supplements thereto, entitled "An act dividing cities of this State in three classes," et cetera, may become subject to the provisions of this act, governing such cities, and the mayor and councils of such city may effect the same by an ordinance thereof, duly passed by a majority of the members elected to each branch thereof, voting in favor of the same, and a certified copy of such ordinance, approved by the mayor and duly certified, accompanied by a statement of the vote thereon, with the names of members voting for and against said ordinance, shall be forwarded to, and filed in, the office of the Secretary of this Commonwealth, and when so filed, the Governor shall, under the great seal of the Commonwealth, certify the surrender of the former charter, and the acceptance of the provisions of this act by such city, which certificate shall be recorded among the minutes of councils, and in the office for the recording of deeds in the proper county; and from the date of such certificate, the said city shall be governed, controlled, and regulated by and under the provisions of this act; but all of the property and estates whatsoever of the said city shall be and remain severally and respectively vested in the said city unchanged and as before the said surrender; and all of the elected or appointed officers therein shall hold their respective offices until the expiration of the term for which they were respectively elected or appointed, and shall have all the rights and powers which belong by law to them, respectively, under the laws in existence at the date of the surrender as aforesaid. No such acceptance shall be construed to be a repeal or surrender of any rights, powers, privileges, and franchises heretofore by law conferred on such city, not inconsistent with the provisions of this act. The mayor and councils, school-directors or controllers, and other officers of such city, shall continue to hold their respective offices until the first Monday of April succeeding the third Tuesday of February next following the date of the expiration of their office, as fixed by law before the said surrender of the former charter; but in any case in which a mayor, councils, school-directors, controller, or other officer, shall have been elected and is or are not yet in office, they shall hold their said office for the term for which they shall have been respectively elected, and their successors shall be elected under the provisions of this act, on the said last named third Tuesday in February. All suits, prosecutions, debts, taxes, and claims whatever belonging to the said city shall be and remain of full force, and shall be sued for, recovered, or collected under the provisions of law governing the said city prior to the surrender aforesaid, and all proceedings therefor commenced before such surrender shall be proceeded in as though no change had been made, and all claims and demands of whatever nature against said city, existing prior to the said surrender, shall remain of full force and be collected as though no change had been made in the laws regulating and governing such city.

Section 2. Any city of the fourth class becoming subject to the provisions of this act in which but a single branch of council now exists may treat such existing branch as the common council thereof, and may elect a select council, as provided in this act, at an election to be held on a day fixed by such council, after at least thirty days' notice thereof given in two newspapers in said city; and when so elected, the said council shall, on the Monday next following said election, organize under the provisions of this act, and be governed and controlled thereby; and the persons so elected shall continue in office until the first Monday of April next after the expiration

of their terms of office, as fixed by section one of article three of this act; also any of said cities in which there may be more than one school-district, the several directors shall meet jointly and perform all duties pertaining to the consolidated district, until the next municipal election, but no longer; at which time a new board of control shall be elected as herein provided: *Provided*, That in case of indebtedness in either of said districts the same shall be liquidated by separate tax levy in the district indebted.

SECTION 3. Cities shall be chartered whenever a majority of the electors of any town or borough, or of any two or more contiguous towns or boroughs, having a population of at least twelve and not exceeding thirty thousand shall vote at any general election in favor of the same; and whenever the corporate authorities of any such town or borough shall, by resolution thereof, duly passed and recorded among the minutes thereof, determine to hold an election upon the question of becoming a city, they shall give notice thereof during at least four weeks immediately prior to the next general election in all the newspapers published in said town or borough that such an election will be held; and at the said general election, it shall be the duty of the inspectors and judges of elections within said town or borough to receive tickets, either written or printed, from the electors therein qualified to vote by the Constitution of this State labeled on the outside "city charter," and containing on the inside "for city charter" or "against city charter," and to deposit said tickets in a box to be provided for that purpose; and the tickets so received shall be counted and a return thereof made to the clerk of quarter sessions of the peace of the proper county, and a duplicate return thereof to the Secretary of the Commonwealth, each duly certified in the manner required by law; and in receiving and counting, and in making return of the votes cast, the inspectors, judges, and clerks of said election shall be governed by the laws of this Commonwealth regulating general elections, and all the voters, inspectors, judges, and clerks voting at and in attendance upon the elections to be held under the provisions of this act shall be subject to the penalties imposed by the election laws of this Commonwealth.

SECTION 4. Whenever, by the returns of election in any town or borough aforesaid, it shall appear that there is a majority against a city charter, no further proceedings shall be had, and it shall not be lawful to hold another election upon that question in that town or borough for three years thereafter; if it shall appear by the said returns that there is a majority in favor of a city charter, the Governor of this Commonwealth shall issue letters-patent under the great seal of the State, reciting the facts, defining the boundaries of the said city, constituting the same a body corporate and politic by the name of the city of————————, and the corporate authorities of such town or borough shall, within sixty days after such election, furnish to the Secretary of the Commonwealth the necessary information in regard to the boundaries of the said city.

SECTION 5. Upon the application by petition, signed by a majority or more of the taxable citizens, owners of any out-lots or section of land, not less than forty acres, lying adjacent to any such city, to the court of quarter sessions of the county in which such city is located, stating that the taxable citizens residing on said out-lots or adjacent sections of land desire to be annexed to said city, the necessity therefor describing the land or lots to be annexed, with a map or draft of the same, showing which petition shall be sworn to by one or more of the petitioners, and accompanied by a joint resolution of the councils of said city, approving of the annexation, the said court shall thereupon appoint six viewers to inquire into and investigate

the allegations and facts stated by the petitioners in their petition, and they, or a majority, shall make report to said court at its next session after their appointment. If they report that they find the statements and facts of said petition to be true, and recommend the annexation prayed for, the said court shall thereupon make an order or decree to carry the same into effect, and said section of land or out-lots shall ever thereafter be a part of said city, subject to its jurisdiction and government as fully as if the same had been originally a part of said city. The cost of the proceedings in all cases shall be paid by said city. If the report of said commissioners shall be adverse to the prayer of the petitioners, the same shall be dismissed.

SECTION 6. That all the property and estates whatsoever, real and personal, of the town and borough which shall thus have become a city are hereby severally and respectively vested in the corporation or body politic of said city, its successor by the name, style, and title aforesaid, to and for the use and benefit of the citizens thereof; and until the corporation of the said city shall be duly organized under this act, the charter of the said town or borough shall continue in full force and operation, and all officers under the same shall be appointed and hold their offices as they now may or can do by law; and as soon as the charter obtained under this act shall go into operation, all suits, prosecutions, debts, and claims whatever shall, by force thereof, become transferred to the said city, which in all suits pending shall be substituted as party therein, and be under the management and control thereof, as fully and completely as if no alteration had been made in the said charter; and all claims and demands of whatever nature, whether payable presently or in future, existing against the said town or borough when the said charter shall go into operation, shall, by force thereof, be recoverable from or against the said city: *Provided*, That where two or more towns or boroughs shall, under the provisions of this act, be consolidated into a city, and where any city heretofore incorporated and accepting the provisions of this act shall have been formed by the consolidation of two or more towns or boroughs, and it shall have been provided in the act of incorporation of said city that each of said towns or boroughs shall pay its own prior indebtedness, the debt or debts of each of said towns or boroughs contracted prior to such consolidation shall be paid by such towns or boroughs, respectively; and for the liquidation of the same, the authorities of such city shall have the power to adjust and provide for the same, and shall have power to levy separate rates of taxation on all property subject to taxation within the boundaries of the said towns or boroughs respectively.

ARTICLE XIV.

EDUCATION.

SECTION 1. Each of said cities shall constitute one school-district, to be termed the———school-district, and all the property therein, shall be the common property of said district, and the members of the board of school controllers, for the time being, shall have power to levy and collect taxes, and the same rights and power in relation to real and personal property, as is now by law conferred upon school-directors of the several districts of this Commonwealth, and they shall govern and manage the public schools in the manner now provided by law for the maintenance of a system of education by common schools.

SECTION 2. The qualified voters of each ward of each of said cities, on the third Tuesday of February next succeeding the issuing of letters-patent to any

such city, shall elect one member of the board of school controllers of said district, to serve for the period of three years: *Provided*, That, at the first election under this act, the persons so elected in even-numbered wards shall serve for the period of two years only, and thereafter all shall serve for a period of three years, and all vacancies which may happen in the said board as hereby constituted, shall be filled in the manner as now provided by law for vacancies in school-boards: *Provided further*, That in any city having but one board of school-directors or school controllers, the members thereof shall become members of the board of school controllers under the provisions of this act, and shall be accredited in the organization of such board to the wards in which they may reside, and the election in any such ward for school controllers shall be held on the day of the municipal election next preceding the expiration of the terms of office of such members.

SECTION 3. The said board of controllers shall annually, on the Tuesday succeeding the municipal election, meet and organize by choosing a president and secretary, who shall be members of the board, the secretary to receive such salary as the board may determine.

SECTION 4. That none of the provisions of this act shall be applicable to the election of directors or controllers of the public schools, to the organization of the school-board, to the receiving and collection of school taxes in any such city; but the said district shall be governed by laws heretofore enacted applicable to the same, if the acceptance of this act, required by the first section of article thirteen of this act, shall be accompanied by a certificate from the school-district, signed by the proper officers thereof, expressing its desire to retain the laws governing it independent of this statute; otherwise, this act shall govern the same: *Provided*, That it shall be lawful for such board, in its discretion, by a vote of its members as aforesaid, from time to time, to accept any of the provisions of this act regulating school matters; and after such acceptance, duly recorded on the minutes of the board, said provisions so accepted shall be the law of such district.

SECTION 5. The city treasurer shall, *ex-officio* be school treasurer, and before entering upon the duties of his office, shall give bond to the school controllers, conditioned for the faithful performance of his duties, in such amount as the board shall direct, and with such sureties as shall by them be approved, and shall also, before he enters upon his office, take and subscribe an oath or affirmation of like nature as is hereinbefore prescribed for the city treasurer.

SECTION 6. That the annual assessments of school taxes shall be completed on or before the first day of April in each and every year, and upon the duplicates having been made as directed by the said board of school controllers, the same shall be placed in the possession of the treasurer, who shall collect and receive said taxes. On all taxes paid before the first day of September, an abatement shall be allowed of three per centum, and on and after the first day of September, and until the thirty-first day of October, said taxes shall be paid in full; on the first day of November, two per centum shall be added to all taxes unpaid on said duplicates, and on the first day of every month thereafter, one per centum shall be added to all taxes remaining unpaid, and on the first day of January, said duplicates shall be placed in the hands of collectors in the same manner by said school-board as hereinbefore provided for the collection of city taxes by city councils. The said school taxes shall be applied only to the purposes of said school-district and be disbursed only on the warrant of the president and secretary of the school board, countersigned by the city controller.

SECTION 7. That, for the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of such school-districts,

the school controllers of each thereof shall annually levy and collect tax of not less than one mill, and not exceeding three mills, upon the assessed value of the taxable property of such district, which shall be paid into the school treasury, and shall be applied towards the extinguishment of said bonds and funded debt: *Provided*, That the whole tax in such school district for any one year shall not exceed the entire rate now allowed by law for school and building purposes.

JAMES L. GRAHAM,
Speaker of the House of Representatives.

CHAUNCEY F. BLACK,
President of the Senate.

No. 87.

AN ACT

To establish and define the duties and powers of recorders in cities of the fifth class.

SECTION 1. *Be it enacted, &c.*, That the several cities of the fifth class, at the next annual election for city officers succeeding the passage of this act, and every five years thereafter, shall elect a competent person learned in the law, who shall be a duly qualified elector of such city, who shall be styled city recorder of such city, who shall hold said office for the term of five years, from and after the first Monday of April next ensuing his election, who shall be commissioned by the Governor. In case a vacancy shall occur by death, resignation, or otherwise, a successor for the unexpired term shall be elected at the first municipal election that shall be held not less than thirty days after the date upon which the vacancy shall occur, and, in the interim, the office shall be filled by a person qualified as aforesaid, to be appointed and commissioned by the Governor: *Provided*, That at the municipal election held immediately preceding the expiration of the term of office of any person now exercising the jurisdiction and functions of city recorder, as now established by law, in any city of the fifth class within this Commonwealth, a successor to such person shall be elected, who shall be commissioned and hold said office until the first Monday of April, Anno Domini one thousand eight hundred and ninety-one, and at the municipal election held next preceding the expiration of said last mentioned term, there shall be a person elected for the term of five years, as hereinbefore provided.

SECTION 2. The city recorder thus elected and commissioned as aforesaid shall have jurisdiction to hear and determine all charges for violation of any of the ordinances of such city, and shall have and exercise like civil and criminal jurisdiction as justices of the peace and aldermen now have and exercise in this Commonwealth. He shall also have jurisdiction where the sum demanded does not exceed six hundred dollars in all personal action for recovery of moneys arising upon contract either expressed or implied, and for the recovery of damages in actions of trover and conversion, and for trespass upon either real or personal property, and for the recovery of purchase money due upon contracts for the purchase and sale of real estate, unless in actions for the recovery of purchase money for trover and conversion; and for damages for trespass upon real estate as aforesaid, the defendant, or some one in his behalf, shall, at or before the time appointed for trial, make oath that the title to land will come in question, in which case the recorder shall dismiss the proceedings before him and certify the same to the

court of common pleas of the proper county; and the prothonotary of said court shall enter the proceedings so certified of record in said court, and thereafter the same shall be proceeded with as if originally commenced in said court. He shall have power and authority to administer oaths, take the depositions of witnesses, and the acknowledgment of deeds and other instruments of writing with like effect as if the same had been administered and taken before a justice of the peace or alderman. He shall and may issue all such warrants of arrest and commitment, writs of attachment, summons, subpœna, and execution, and all such other writs and process as may be necessary and proper, and shall and may do and perform all things that a justice of the peace or alderman now may or can lawfully do, and with like effect.

SECTION 3. The said recorder shall have and keep a docket, in which he shall enter and make a record of all suits, trials, judgments, orders, and proceedings instituted, entered, or had before him, and of all process issued by him, with the return thereon, and transcripts of such docket entries and records certified by him to be such under his hand and official seal, shall be competent evidence in any court within this Commonwealth in any case where the original would be competent, if produced and offered. The said docket shall be preserved and delivered by the recorder to his successor in office, who shall, in turn, deliver the same, with all other dockets and records belonging to said office, to his successor, and the recorder for the time being shall have like jurisdiction over any judgments, suits, or proceedings recorded or entered therein as was vested in his predecessor by or before whom such judgments were entered, or suits or proceedings were originally instituted or had.

SECTION 4. Either plaintiff or defendant shall have the right of appeal from the judgment of such recorder in any civil suit or proceeding to the court of common pleas of the proper county, which appeal shall be taken and the transcript thereof filed with the prothonotary of said court within twenty days from the rendition of such judgment; but no appeal shall be allowed either party in any case until the party appellant shall pay, or caused to be paid, all costs that shall have accrued up to the time of taking such appeal. In case the appeal is entered by the defendant, he shall file with the said recorder an affidavit setting forth the nature and character of his defense to said action, and that said appeal is not entered for the purpose of delay, which affidavit shall be filed, with the transcript of said appeal, in said court of common pleas, and said court of common pleas may grant judgment for want of sufficient affidavit for the defense on such appeal in like manner and with like effect as in suits brought in said courts. All plaintiffs and defendants taking appeals from any judgment rendered by said recorder shall give bail in a sum certain sufficient for all costs that may accrue or be legally recoverable on such appeal to be approved by said recorder: *Provided*, That no affidavit of defense shall be required by executors and administrators or municipal corporations.

SECTION 5. Any process issued by such recorder upon judgments, claims, or demands not exceeding one hundred dollars shall be directed to and executed by any constable of the proper county; and where the judgment, claim, or demand shall exceed one hundred dollars, such process and all warrants, subpœnas, and commitments in criminal cases may be directed to and executed by either such constable or the sheriff of the proper county; and upon any such process directed to him the said sheriff shall be entitled to like fees and mileage as if such process had been issued by the respective courts of the proper county; and upon all such process directed to any

constable, he shall be entitled to like fees and mileage as if the same had been issued by a justice of the peace or alderman; that, except as herein otherwise provided, all process issued by said recorder shall be executed in like manner and have like effect as if the same had been issued by any alderman or justice of the peace.

SECTION 6. That all executions issued by such recorder, directed to the sheriff, shall be a lien on the personal property of the defendant from the time the same is received by the sheriff the same as writs issued by the several courts of common pleas of this Commonwealth now are, and all executions issued to the sheriff shall be returnable on the first Monday of the month next succeeding the date of issuing the same: *Provided*, The sheriff of the county to whom any writ of execution from said recorder is directed may claim the benefit of the sheriffs' interpleader act to the court of common pleas of such county, and all questions arising under said interpleader act on such writs shall be entertained and determined by the said court of common pleas in the same manner and with like force and effect as in like writs issued by said court of common pleas.

SECTION 7. That said recorder may issue attachments in executions on all judgments rendered by him, or any predecessor in office, without first having issued an execution and obtained a return of *nulla bona* on the same.

SECTION 8. That said recorder shall fix the return day of all summons and attachments issued by him not less than five nor more than fifteen days from the date thereof, which writs shall be served at least four days before the return day thereof, and he shall have and exercise like control over his judgments, writs, and other process to the extent, only, however, of opening such judgments and staying such writs or other process, as the several courts of common pleas of this Commonwealth now have and exercise over their judgments, writs, and other process.

SECTION 9. That upon all judgments obtained before such recorder, not exceeding three hundred dollars in amount, the defendant shall be entitled to the same stay of execution that he would be entitled to on a judgment for like amount, rendered before a justice of the peace or alderman, and where the judgment exceeds three hundred dollars, the defendant shall be entitled to like stay as if the judgment had been recovered in the court of common pleas.

SECTION 10. That the party in whose favor a judgment is entered before said recorder may at any time remove the same by transcript, duly certified by the said recorder, into the court of common pleas of the county wherein such city is situated; which judgment, when entered in such court, shall become a lien, and have like force and effect as if originally recovered in said court, and thereafter all process of execution or revival on said judgment shall be issued by, from, and out of the said court of common pleas.

SECTION 11. That in all actions on book-account, promissory note, and other evidence of indebtedness, instituted before said recorder, a sworn copy of the same shall be *prima facia* evidence, and in actions on book-account, the plaintiff shall not be required to produce his books of original entry, where such sworn copy has been filed, unless the defendant shall file a counter affidavit, setting forth that the plaintiff's claim is incorrect, and naming the items which are objected to.

SECTION 12. That said recorder shall have power to make rules regulating and governing the practice in said court, and to enforce them in the same manner that the courts of common pleas are now authorized to enforce their rules.

SECTION 13. That said recorder shall keep a seal, which shall have on it

the words of his official title, and the name of the city of which he is the recorder, and all process issued by him shall be stamped with, and bear the impression of such seal.

SECTION 14. That all fines and penalties imposed by such recorder for violation of city ordinances, and all moneys that shall be paid to or received by him as such on acccount of such fines and penalties, shall belong to said city, and the said recorder shall report to the city council at the first regular meeting in each month, during the term of his office, the number and names of persons against whom judgments and sentence for violations of such ordinances shall have been rendered, and all moneys collected by him on such fines and penalties, or otherwise, for violation of ordinances, he shall pay over to the city treasurer monthly, with a statement of the sources from which the same were received.

SECTION 15. In all actions before said recorder, where the plaintiff's demand does not exceed one hundred dollars, and in all criminal suits and proceedings, the said recorder shall be entitled for his services to like fees as are now allowed by law to aldermen and justices of the peace for similar services; and where there is a contest and trial, the sum of one dollar additional, and where the plaintiff's demand shall exceed one hundred dollars, the said recorder shall be entitled to charge and receive like fees as the prothonotaries of the several counties are entitled to charge and receive for similar services and for administering oaths, taking the testimony of witnesses, and the acknowledgment of deeds, like fees as are now allowed by law to notaries public for similar services.

SECTION 16. In all civil suits brought before such recorder in which either party shall appear by attorney, and in which judgment of no cause of action, a discontinuance or a *nolle prosequi* shall be entered in favor of the defendant, or in which the plaintiff shall recover against the defendant, the said recorder shall tax, as part of the costs in such suit, for the use of the attorney of the successful party, the same as costs are now taxable by law in the several courts of common pleas of this Commonwealth.

SECTION 17. That before any person elected to the office of recorder shall enter upon the discharge of the duties of his office, such person shall take and subscribe an oath to support the Constitution of the United States and of this Commonwealth, and to perform the duties of said office with fidelity, which oath, with the commission issued by the Governor as aforesaid, shall be recorded in the office for the recording of deeds, et cetera, in the proper county; and he shall also give bond, with two sureties, in the sum of five thousand dollars in the name of the Commonwealth, with condition for the faithful application of all moneys that may come into his hands as such officer, which bond shall be approved by the court of common pleas of the proper county, and be filed and recorded in the office for recording deeds in the said county, and a certified copy thereof may be used in evidence with like effect as the original.

SECTION 18. The provisions of this act shall not take effect in any city of the fifth class within this Commonwealth in which there is now no office of city recorder until the same shall have been approved and adopted by ordinance of the council or councils of such cities, and a certified copy of such ordinance shall have been recordea in the office of the recorder of deeds, et cetera, in and for the proper county. In case the council or councils of any city shall approve and adopt the same any time after the next annual election for city officers, the said office shall be filled as provided in case of a vacancy by the first section of this act: *Providing*, That any person holding the office of recorder in any city of the fifth class shall

be ineligible to hold the office of justice of the peace, alderman or notary public.

JAMES L. GRAHAM,
Speaker of the House of Representatives.
AMOS H. MYLIN,
President pro tem. of the Senate.

[*The foregoing bills, Nos. 80 to 87, inclusive, were embraced under the one following veto:*]

EXECUTIVE DEPARTMENT, COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
HARRISBURG, *July 10, 1885.*

I herewith file, with my objections, in the office of the Secretary of the Commonwealth, Senate bill No. 81, entitled "A further supplement to an act, entitled 'An act dividing the cities of this State into three classes, et cetera approved May twenty-third, one thousand eight hundred and seventy-four, providing for the assessment and collection of city and school taxes.'"

Senate bill No. 82, entitled "An act relating to the duties of the city treasurer in cities of the third class."

Senate bill No. 207, entitled "An act for the government and regulation of county jails and prisons."

Senate bill No. 269, entitled "An act to reduce the number of common councilmen in cities of the third class, and to fix the terms of office of select and common councilmen in such of said cities as accept the provisions of this act."

House bill No. 113, entitled "An act to provide for the more efficient collection of delinquent taxes and municipal claims in cities of the fourth and fifth classes, and for the preservation of the lien of the same."

House bill No. 192, entitled "An act to prohibit the peddling, selling, or hawking of produce and merchandise in cities of the fourth and fifth classes within this Commonwealth without a license."

House bill No. 194, entitled "An act providing for the incorporation and government of cities of the fourth class in this Commonwealth; regulating the passage of ordinances; authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same; providing for the assessment and collection of taxes; defining and punishing certain offenses, and providing for the making of contracts for supplies and work for said cities;" and

House bill No. 223, entitled "An act to establish and define the duties and powers of recorders in cities of the fifth class."

All of these bills contain an option clause providing that they shall not apply to the localities that would otherwise come under the operation of the enactments unless such localities elect to accept the legislation. This option, in my opinion, adopts a distinction unauthorized by law, and that makes the bills special, and therefore unconstitutional.

Senate bill No. 81 provides that it shall apply to "every city of the third class which shall accept" the same by ordinance.

Senate bill No. 82 contains this clause: "The provisions of this act shall apply only to such cities of the third class as shall by ordinance, regularly passed by two thirds of the members elected to each branch of the councils thereof voting therefor, and approved by the mayor accepting the same."

Senate bill No. 207 enacts that the provisions of the act "shall not apply to any county until first adopted by resolution of the board of county commissioners, and said action approved by the court of common pleas of the proper county." Section twenty-one of the bill also provides that it shall not apply to any county prison governed by special laws, until such laws are specifically repealed.

Senate bill No. 269 contains this proviso: "This act shall not be in force in any city of the third class until accepted by councils thereof by ordinance."

House bill No. 113 provides that "this act shall only apply to such cities as shall accept the provisions hereof by ordinance duly adopted by the council thereof and approved by the mayor."

House bill No. 196 enacts that it shall not be in operation nor shall it go into effect in any city of the fourth and fifth classes until councils accept the same by ordinance.

House bill No. 194 provides, in the first section of Article XIII, that it shall only operate in cities accepting it by ordinance of councils. Article XIV provides that any school-district in any city accepting the act may elect not to be governed by it, but to remain under the special laws now governing the district, or may, from time to time, accept parts of the act.

House bill No. 223 contains this language: "The provisions of this act shall not take effect in any city of the fifth class within this Commonwealth in which there is now no office of city recorder, until the same shall have been approved and adopted by ordinance of the council or councils of such cities."

The prohibition of section 7, of Article III of the Constitution, against the passage of local or special laws "regulating the affairs of counties, cities, townships, wards, boroughs, or school-districts" is absolute. The prohibition against local or special laws upon this subject includes the command that whenever laws relating thereto are passed, they shall be general in their application. Anything which defeats or limits their general application is obnoxious to the prohibition. If certain counties or cities cannot be specially legislated for by name, they cannot be thus legislated for by including them in an exception to a general law. The inhibition is against passing laws that will operate upon them alone to the exclusion of others in the same general legal category. Again, the fact whether a law is general or special is to be determined by the force of its operating words at the time of its passage, and cannot be made to depend upon the happening of any such contingency as the desire or action of the councils of a city or the act of a board of county commissioners. If the Legislature cannot give a particular county immunity from the operation of a general law, it cannot depute to a city or county the privilege of giving itself such immunity. The power denied to the superior body cannot be vested by it in the subordinate. Neither can the intendment of a broad Constitutional provision be defeated by any mere juggle of words. If the law only recognizes cities of given classes, the Legislature cannot further divide those classes into those accepting and those not accepting legislation. Neither can such a division be set up as counties governed by special laws and those not governed by special laws. If this could be done, the whole purpose of the Constitutional prohibition would be defeated. Some counties or cities in given classes would be governed by one law, and some by others. If the bills now objected to should be signed, the extent or generality of their application would be dependent entirely upon the willingness or unwillingness of certain counties or cities to be governed by them. Surely, this cannot be done,

and the purpose of the Constitution be defeated in such an indirect and specious manner. The tendency of this sort of legislation has become so great that I think it time to assert rigidly the spirit and letter of the Constitution. It is true that many laws containing option clauses have been enacted in the past, and some may have received the sanction of the present Executive. The recurrence of this character of enactments, however, has become so frequent as to induce me to attempt to out-root the practice, if possible.

Many of these bills contain other objectionable features which I do not deem it now necessary to discuss, as the reasons I have already assigned are, I think insuperable obstacles to their enactment. In support of the line of argument I have adopted, I refer to the work of Mr. Buckalew on the Constitution, pages seventy-three and seventy-four.

ROBT. E. PATTISON.

THE THREE FOLLOWING APPROPRIATION BILLS, NOS. 88, 89, AND 90, WERE APPROVED EXCEPT AS TO CERTAIN ITEMS WAICH WERE OBJECTED TO AND VETOED AS APPEARS IN THE APPROVALS BY THE GOVERNOR.

No. 88.

AN ACT.

To appropriate the sum of five thousand dollars ($5,000) to the Home for Old Ladies, situate at the corner of Frankford avenue and Clearfield street, in the city of Philadelphia.

SECTION 1. *Be it enacted, &c.*, That the sum of five thousand dollars ($5,000) is hereby appropriated to the Home for Old Ladies, situated at Frankford avenue and Clearfield street, two thousand five hundred dollars of which amount shall be used to satisfy a second mortgage, and two thousand five hundred dollars to build an infirmary, the same to be paid out of any moneys in the treasury not otherwise appropriated.

APPROVED—The 9th day of July, A. D. one thousand eight hundred and eighty-five, except as to the item of twenty-five hundred dollars to build an infirmary, which is hereby disapproved. This item was contained in the application made by the institution to the Board of Public Charities, and the Board refused in their report to recommend its appropriation. For this reason it is disapproved.

ROBT. E. PATTISON.

No. 89.

AN ACT

Making an appropriation to the Lackawanna Hospital, in the city of Scranton.

SECTION 1. *Be it enacted, &c.*, That the sum of twenty-five thousand dollars be and the same is hereby appropriated to the Lackawanna Hospital, in the city of Scranton, for completing the building and for support and maintenance of said hospital, namely: Ten thousand dollars for the completion of buildings, seventy-five hundred dollars for maintenance and support of said hospital, for the year commencing June first, Anno Domini eighteen hundred and eighty-five, and seventy-five hundred dollars for support and

maintenance, for the year commencing June first, Anno Domini eighteen hundred and eighty-six: *Provided*, That the directors or managers of said institution shall make, under oath, a semi-annual report to the Auditor General of the Commonwealth containing an itemized statement of the expenses of the institution during the previous quarter; and, unless such itemized report is made and approved by both the Auditor General and State Treasurer, the State Treasurer is hereby directed not to pay any money unless such reports are made and approved: *And provided further*, That no warrant shall be issued for the payment of the said sums until a sufficient amount of money is in the State treasury not otherwise appropriated to pay the same.

APPROVED—The 9th day of July, A. D. one thousand eight hundred and eighty-five, except as to the item appropriating ten thousand dollars for the completion of building, which is hereby disapproved. This item was not asked for in the application made by the hospital to the Board of Public Charities. All the aid asked for in that application is recommended by the Board and appropriated by this bill. Those items I approve, but, adhering to the action of the Board of Charities, I disapprove of the item named in excess of their recommendations.

ROBT. E. PATTISON.

No. 90.

AN ACT

Making appropriations for the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania.

SECTION 1. *Be it enacted, &c.*, That the following sums be and are hereby specifically appropriated to the State Hospital for Injured Persons of the Anthracite Coal Regions of Pennsylvania, for the years commencing June first, Anno Domini one thousand eight hundred and eighty-five, and for the year commencing June first, Anno Domini one thousand eight hundred and eighty-six, to be paid in equal quarterly installments, except for the sums appropriated for the erection and construction of a boiler house and improvements in the heating apparatus, and for the erection of a laundry and equipping the same; for grading, improving, and planting the grounds; for furniture, beds, bedding and renewal of the same; for improvements and repairs to the building; for library, horses, harness, and enlarging the stable, out of any money in the treasury not otherwise appropriated.

For the erection and construction of a boiler-house, boilers, and improvements in the heating apparatus, and for the erection of a laundry and equipping the same, twelve thousand dollars.

For grading, improving, and planting the grounds, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five, five thousand dollars.

For furniture, beds, and bedding and renewal of the same, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five, seven hundred and fifty dollars.

For furniture, beds, and bedding and renewal of same, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-six, seven hundred and fifty dollars.

For cementing the cellar floor and plastering the ceiling and walls of the same, and necessary repairs to the building, four thousand nine hundred and eighty-nine dollars.

For improving and enlarging the east and west wings of the building, five thousand dollars.

For library, five hundred dollars.

For horses, harness, vehicles, et cetera, and additional stabling room, one thousand dollars.

For salaries of officers and employés and for the support and maintenance of the institution, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five, thirty thousand dollars. And for salaries of officers and employés and for the support and maintenance of the institution for the year commencing June first, one thousand eight hundred and eighty-six, thirty thousand dollars: *Provided*, That the trustees of said institution, shall make under oath a quarterly report to the Auditor General of the Commonwealth containing an itemized statement of the expenses of the institution, showing the amount of provisions, articles, et cetera, furnished the institution, the price paid and the name of the person or persons furnishing the same and the date on which the same were furnished during the previous quarter; and unless such itemized report is made and approved by both the Auditor General and State Treasurer, the State Treasurer is hereby directed not to pay any more money to said institution until such report is made and approved as aforesaid: *And provided*, That the superintendent shall, after the passage of this act, for two consecutive weeks and yearly thereafter for the same length of time, commencing on the first Monday in April, advertise in three newspapers of general circulation for bids to furnish all needed supplies for the year beginning June first, next ensuing. Said superintendent shall furnish promptly on application to all persons desiring to bid an itemized list of the kind and probable amount of supplies required. The board of trustees shall award the contract for such supplies to the lowest and best bidder, taking such security for the faithful performance of the contract as they may deem necessary. The said appropriations to be paid on the warrant of the Auditor General on a settlement made by him and the State Treasurer, and not until the treasurer shall have sufficient money in the treasury not otherwise appropriated to pay the quarterly installments due said institution.

Approved—The 9th day of July, A. D. 1885, except as to the following items, which, not having been recommended by the Board of Public Charities in their annual report or in excess of their recommendations, are hereby disapproved, to wit:—

The item of twelve thousand dollars for the erection and construction of a boiler-house, boilers, and improvements in the heating apparatus and for the erection of a laundry and equipping the same.

The item of five thousand dollars for grading, improving, and planting the ground for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five.

The item of seven hundred and fifty dollars for furniture, beds, and bedding, and the renewal of the same, for the year commencing June first, Anno Domini one thousand eight hundred and eighty-five.

The item of seven hundred and fifty dollars for like purposes for the year one thousand eight hundred and eighty-six.

The item of four thousand nine hundred and eighty-nine dollars for cementing the cellar floor and plastering the ceiling and walls of the same,